

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 18, 2007

Signature:

(Robert B. Cohen)

C D A C
JUN 21 2007

Docket No.: SONYJP 3.0-1204
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Watanabe et al.

Application No.: 08/764,394

Filed: December 11, 1996

Art Unit: 2731

For: TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE
SYSTEM

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY PURSUANT TO 37 C.F.R. § 1.137(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Paul Shanoski

Dear Sir:

Petitioner, Sony Corporation ("Sony"), the assignee of the above-referenced application, hereby renews its petition for revival of this application. Petitioner submits the following comments in support of this renewed petition.

On June 6, 2006, Petitioner filed a Petition for Revival of an Application for Patent Abandoned Unintentionally. In the Office of Petitions' Decision mailed January 19, 2007, the Petition was dismissed because it was believed that the Petitioner had not established to the satisfaction of the Director that the entire period of delay was unintentional.

Petitioner was advised of the dismissal of the Petition by its undersigned counsel. Additionally, the prior attorneys of record, Cooper & Dunham, LLP ("Cooper & Dunham"),

were contacted to request their assistance in filing a Renewed Petition. In particular, Cooper & Dunham was advised of the requirement by the PTO to establish the events that lead to the unintentional abandonment of the application, including the submission of docketing records and other records that would support the averments made in the original Petition.

It is clear from the following facts that this application was abandoned unintentionally. Submitted in support of this Renewed Petition are the Declaration of Phyllis Kelly, Manager of U.S. Patent and Trademark Administration for Petitioner's present counsel, attached hereto as Exhibit I; the Declaration of Jay Maioli, the attorney at Cooper & Dunham who previously handled the prosecution of this application, attached hereto as Exhibit II; and the Declaration of Fumihiro Moriya, Senior General Manager, Intellectual Property Division of Petitioner Sony Corporation, attached hereto as Exhibit III.

Ms. Kelly describes how the unintentional abandonment of this application was discovered, as well as the steps that were taken by Petitioner and its present counsel to timely file the initial Petition to Revive.

Mr. Maioli states that he was an attorney of record at the time the instant application went abandoned, and provides the facts relating to the unintentional abandonment of this application. Mr. Maioli also provides details of the docketing systems and other procedures in place at the time of the abandonment, as well as the Declaration of Michele Metri, a docketing clerk at Cooper & Dunham, and the Declaration of Barbara Farnacci, Manager of the Accounting Department of Cooper & Dunham.

Mr. Moriya describes how Sony relies on its local agents in each country, including Mr. Maioli in the United States, to take the steps necessary to obtain issuance of a

patent in a timely fashion, and that Sony had no intention to abandon the present application. It is respectfully requested that the PTO review the following information and allow this application to pass to issuance.

In December 2005, Sony requested that Cooper & Dunham, the prior attorneys of record, forward its file in connection with the above-identified application to the undersigned attorneys for handling of all further prosecution. (Kelly Dec., ¶ 2; Maioli Dec., ¶ 4; Moriya Dec., ¶ 6.) Upon receipt of the file, the undersigned attorneys promptly reviewed the file. (Kelly Dec., ¶ 6.) Upon reviewing the file, it was determined that a Notice of Abandonment had issued on June 29, 2000, but there were some unsigned papers in the file suggesting that Cooper & Dunham had intended to file a Petition to Revive. (Kelly Dec., ¶¶ 7, 10). The Petitioner was contacted shortly thereafter to advise of the abandonment and to obtain instructions from the Petitioner. (Kelly Dec., ¶ 12; Moriya Dec., ¶ 7.) Instructions to file a Petition to Revive were received from the Petitioner. (Kelly Dec., ¶ 12; Moriya Dec., ¶ 9.) The following sets forth the facts regarding the prosecution and handling of this application as known to Petitioner and/or its prior counsel.

On December 17, 1999, a Notice Of Allowance was apparently mailed to Cooper & Dunham, with a request for submission of formal drawings and payment of the issue fee, but was never received by Mr. Maioli. (Maioli Dec., ¶¶ 3, 15.) On June 29, 2000, a Notice of Abandonment was mailed to and received by Mr. Maioli. (Maioli Dec., ¶ 3.) The Notice Of Abandonment gave as the sole reason for abandonment the nonpayment of the issue fee, but did not refer to the failure to submit formal drawings. (Maioli Dec., ¶ 16.) The Notice of Abandonment was entered in the docket records of Cooper &

Dunham, together with an entry to submit a Petition to Revive. (Maioli Dec., ¶ 16; Metri Dec., ¶ 7.) After conducting a search of the contents of the file jacket, Cooper & Dunham's computerized docket records and his own personal records, Mr. Maioli determined that the abandonment had resulted from the failure of Cooper & Dunham to have received the Notice of Allowance for this application. (Maioli Dec., ¶ 17.)

Upon learning of the abandonment, Mr. Maioli instructed several associates to take steps to file a Petition to Revive this application. Although these associates took steps in that direction, no Petition to Revive was ever filed in the Patent and Trademark Office. (Maioli Dec., ¶¶ 18-24, 28.) Nor did Mr. Maioli or anyone else at Cooper & Dunham ever inform Petitioner of the allowance or abandonment of this application. (Maioli Dec., ¶¶ 24, 28.) Mr. Maioli was not aware that a Petition to Revive had never been filed. (Maioli Dec., ¶¶ 24-25.) A subsequent attempt by yet another associate to file a Petition to Revive in connection with this application was never completed. (Maioli Dec., ¶ 26.)

During the years 2000 and 2001, Cooper & Dunham did not have a procedure for notifying an attorney of long inactivity in an application, nor did Mr. Maioli have any personal procedure for monitoring a period of inactivity for applications for which he was responsible. (Maioli Dec., ¶ 31.) Additionally, once Mr. Maioli had unintentionally failed to timely file a Petition for Revival of this application, it did not and would not have come to his attention that the requirements for grant of the patent had not been met. (Maioli Dec., ¶ 31.)

It is clear from the facts stated in this Renewed Petition and the attached Declaration of Phyllis Kelly that, given the large volume of files that were reviewed during the

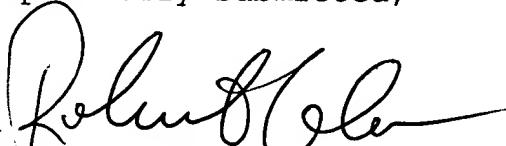
intake, there was no inaction on the part of Petitioner's new attorneys, and that every effort had been made to process the files in a diligent manner. It is further clear from the Declarations of Ms. Kelly, Mr. Maioli and Mr. Moriya that any delay in submitting the issue fee and formal drawings was unintentional. The Declaration of Mr. Maioli further provides an adequate and detailed showing that the delay did not result from a deliberate course of action. Mr. Maioli sets forth the circumstances surrounding the abandonment of this application, as well as the failure to immediately file a Petition to Revive.

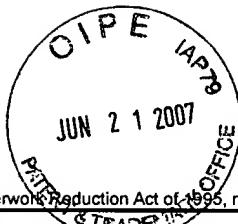
Enclosed at Exhibit IV are a new set of formal drawings in compliance with the outstanding requirement. Furthermore, authorization to charge the issue fee to undersigned counsel's deposit account was included in the Petition to Revive filed on June 6, 2006. For these reasons, and in view of the comments set forth above, it is believed that the requirements for a grantable petition under 37 C.F.R. § 1.137(b) have been met.

Accordingly, Petitioner petitions for revival of this application based on unintentional delay. It is respectfully requested that the present petition be granted and the application issue as a patent.

Dated: June 18, 2007

Respectfully submitted,

By 
Robert B. Cohen
Registration No.: 32,768
LERNER, DAVID, LITTBENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

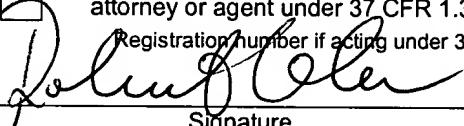


PTO/SB/22 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

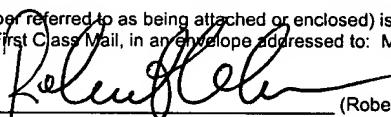
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) SONYJP 3.0-1204
Application Number 08/764,394	Filed	December 11, 1996
For TELEPHONE APPARATUS USED FOR COMPUTER NETWORK TELEPHONE SYSTEM		
Art Unit 2731	Examiner	S. H. D. Nguyen
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	Fee	Small Entity Fee
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>12-1095</u> . I have enclosed a duplicate copy of this sheet.		
I am the	<input type="checkbox"/>	applicant/inventor.
	<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
	<input checked="" type="checkbox"/>	attorney or agent of record. Registration Number <u>32,768</u>
	<input type="checkbox"/>	attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____
 Signature		June 18, 2007 Date
Robert B. Cohen Typed or printed name		(908) 518-6316 Telephone Number
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input type="checkbox"/>	Total of 1	forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 18, 2007

Signature:  (Robert B. Cohen)

06/21/2007 WABDELR1 00000039 121095

1020.00 DA

01 FC:1253



Docket No.: SONYJP 3.0-1204
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Watanabe et al.

Application No.: 08/764,394

Filed: December 11, 1996

Art Unit: 2731

For: TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE
SYSTEM

DECLARATION OF PHYLLIS KELLY

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Paul Shanoski

Dear Sir:

I, PHYLLIS KELLY, declare as follows:

1. I am employed as the Manager of U.S. Patent and Trademark Administration of Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue, Westfield, New Jersey. I have been employed by the firm for over 29 years.

2. In December of 2005, I was advised by some of the partners in the firm that the assignee of the above-captioned application, Sony Corporation, had requested the transfer of a significant portion of their patent prosecution matters from the firm of Cooper & Dunham to us. I was advised we would be

receiving over 600 files relating to U.S. patent applications and patents.

3. Between approximately January 5, 2006 and April 4, 2006, we received over 800 files from Cooper & Dunham. On January 5, 2006, as part of the transfer of these Sony files, we received from Cooper & Dunham 105 boxes of files containing approximately 750 files. Attached hereto as Exhibit A is a list of files sent with the cartons. The file for the above-captioned application is identified as 52300 and was contained in Box 8A as can be found on the second page of the list (highlighted in yellow).

4. I was responsible for managing the intake of these files, which included maintaining various records and lists, confirming the receipt of the files, assignment of Lerner, David file numbers, review of the contents of the files, examination of the accuracy of various documents (i.e., filing receipts and assignment recordation notices), and docketing of each file in the firm's computerized docketing system.

5. In managing the intake of the files, four assistants on my staff were supervised by me on various steps I had established for the intake. I instructed them to immediately process all files which had outstanding office actions or needed immediate attention for any reason. The files were sorted on this basis and other bases relating to the status of each file, e.g., newly filed applications were reviewed for purposes of determining if a preliminary amendment would be required; files were reviewed to determine if an IDS needed to be filed; abandoned applications were reviewed to determine if the

abandonment was proper and that the file contained confirmation from Sony of their intent to abandon, etc. Also, the PTO PAIR database was accessed to review the status of various applications.

6. In managing the intake, I instructed my assistants regarding the priority of the review of the files. Each file was initially subjected to a brief review to determine the status of the application to which it pertained. Applications for which there was an outstanding office action were then reviewed in detail and processed first. The remaining files were subsequently processed on the basis of the status of the application, with issued patents and abandoned applications being reviewed last. Of the over 800 files received from Cooper & Dunham, there were approximately 575 files related to pending patent applications. The remaining approximately 265 files were either issued patents or abandoned applications.

7. During the initial review of the contents of the file, and in particular, the papers bound into the file jacket, a Notice of Abandonment of this application mailed by the PTO on June 29, 2000 was located. A copy of the Notice of Abandonment is attached hereto as Exhibit B.

8. During this initial review of the contents of the file, and in particular, the papers bound into the file jacket, no Notice of Allowance was located.

9. Our firm uses a system of file "Case Notes" in which comments particular to a file are memorialized within the file on a running basis. Attached hereto as Exhibit C is a copy

of the Case Notes for this file. The above-captioned file was reviewed by one of my assistants sometime between January 5, 2006 and January 13, 2006. After reviewing the file, one of my assistants, "Jodi," made a notation on January 13, 2006 in "Case Notes" summarizing the status of this application. As can be seen, the Case Notes indicates that apparently "C&D intended to file a Petition to Revive."

10. My assistant, Jodi, made this entry in the Case Notes when she located a Petition to Revive which was not affixed to the file jacket, but held loosely bound apart from the contents of the file. The Petition appeared to be a draft, was not signed and appeared not to have been filed in the PTO.

11. As part of the review of the files, upon being advised that the application had been abandoned, a docket entry was made to file a Petition to Revive, with an arbitrary due date of April 1, 2006. This date was an estimate for performing any further review, contacting Sony for their advice and instructions, obtaining information from Cooper & Dunham to establish the facts relating to the abandonment and for preparation of a Petition.

12. During our continuing review of the files over an approximately three month period, I periodically reported to the partners regarding the status of the intake and some of our findings. Upon learning that this application was abandoned, I advised Robert Cohen, a partner in our firm who was overseeing the intake of these Sony files from Cooper & Dunham, of what appeared to be an unintentional abandonment, and requested his

further instructions. Mr. Cohen advised me that Sony should be informed of our findings and asked whether they intended to abandon the application. A copy of such letter from Mr. Cohen to Mr. Nakamura of Sony dated March 7, 2006 is attached hereto as Exhibit D. Attached hereto at Exhibit E is a copy of a letter dated March 12, 2006 from Mr. Nakamura requesting that we send him a copy of the claims. Attached hereto as Exhibit F is a copy of a letter dated March 22, 2006 (without enclosures) from Mr. Cohen forwarding to Mr. Nakamura a copy of the claims. Attached hereto as Exhibit G is a copy of a letter dated May 8, 2006 from Mr. Mr. Moriya of Sony authorizing the undersigned attorneys to prepare and file a Petition to Revive.

13. Upon receipt of Mr. Moriya's letter instructing us to prepare a Petition to Revive, I began drafting such a petition on May 23, 2006 for Mr. Cohen's review. Attached hereto as Exhibit H is a copy of the "history" in our word processing program for document number 600183, the document which was filed as the Petition to Revive on June 6, 2006. Exhibit H shows the document was created on May 23, 2006, as well as the other dates the document was viewed and modified prior to being filed in the PTO on June 6, 2006. Additionally, I contacted the PTO on May 25, 2006 to attempt to obtain a copy of the Notice of Allowance, since I believed it would be necessary to submit to the PTO as part of the Petition to Revive. (See Case Notes, Exhibit C)

14. Sometime during my continued review of the file while preparing the Petition to Revive, I reviewed the draft petition prepared by Cooper & Dunham which was not bound in the file. (See ¶ 10) During this review, I noticed that the draft Petition contained a copy of a Notice of Allowance bearing a header which indicated that it had been faxed from the PTO to

Cooper & Dunham on December 14, 2000. A copy of the Notice of Allowance faxed from the PTO on December 14, 2000 is attached hereto as Exhibit I.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: June 14, 2007



The image shows a handwritten signature "Phyllis Kelly" written over a circular stamp. The stamp contains the name "PHYLLIS KELLY" in a printed font. The signature is written in cursive ink and is positioned directly above the printed name.

756048_1.DOC

List of files

Box # (A)	Docket	Box # (B)	Docket
1A	63762 66054 69609 63014 66545-Y	1B	50539-Z 62906 55493 64550
2A	48544 48794-RE 50545 67036 65967 64521 67049 67048 64734	2B	47270-V, A, Y, X
3A	59442 33198-REZ 33198-RE-ZB 50308 50583	3B	72993 72992 72991 72990 72854 72852 72851
4A	60014 60014-ZREF 59661-Y 59661-ZRE 59661 59661-Z 55791 57620-Y	4B	65200-Z 65201 64949-X, Y, W, V, U
5A	58775 58595 57881 57620-Z 57614-RE 57614	5B	40403-A 40393-A 40403 39025-B 33198-RE-Z-A 33198 39347-A 33198-RE 39347
6A	57720 57720-Z 57715 57715-Z 57610 53929	6B	72359 72358 72281 72280 72279 72278
7A	57620 57098-Y 57098-Z 57098 59659	7B	74345 74344 74343 74342 74341 74340 74339 74220 74219 74218 74217 74216 74215 74003
8A	50583-Y	8B	46645

	50583-Z 51434-A 51434 52300 53929-Z 59652		45217-Z 44317-YA 44317-W 44317-Z 45217-Y 47270-W 48794 48794 42411-B
9A	67024-Y 64550-X 62589-Z 63755-W 65952 68340-X 58595-Z 64727-X 67003 66991	9B	47269 44317-X-A 44317-X 44317-Z-A 48337-Z1 48337 48338-Y 49447 44317-WA(05) 45217 44317-WA(06)
10A	42914 42914-A 42914-B 42914-A-Z 42914-A-RE	10B	64712 64727-Y 64724 64721 64713
11A	42914-D-D 42914-D-C 42914-D-B 42914-C-Z 42914-D-A 42914-C-X	11B	73671 73670 73669 73668 73667 73554 73553 73552 73142 73141 73140 73139
12A	42914-F-A 42914-F-C 42914-F-B 42914-F-E 42914-F-D 42914-F-F 42914-F-Y	12B	74002 74001 74000 73999 73998 73858 73857 73856 73855 73854 73852 73851 73850
13A	42914-G-B 42914-G-C 42914G 42914-F-Z 42914-F-X 42914-F-W	13B	69299 69298 69297 69221 69220 69219 69218 69217 69079 69077
14A	42914-F-T 42914-F-S	14B	72084 72282

	42914-F-H 42914-F-Q 42914-F-R 42914-F-G		71983 71982 71981 71980 71979
15A	42914-F 42914-E 42914-D-Z 42914-D-G 42914-D-Y 42914-D-E 42914-D-F	15B	64967 64968 64964 64961 64959
16A	42914-C 42914-G-A 42914-C-S 42914-C-U 42914-C-R 42914-C-V 42914-C-T 42914-C-Y 42914-C-W	16B	67671 67768 67772 67771 67773 67774 68052 68167 68170
17A	56841-Z 56840 56840-Z 56607-Y 56607-Z 56607 71464	17B	64559 64198 64551 62360-Z 62360 64322 64549
18A	57089 56600 56577	18B	72850 72849 72848 72847 72687 72685 72684 72551 72550 72549
19A	56455 56455-Z 55809-Z 55489-Y 55489-VOL.I&II	19B	72277 72276 72275 72274 72273 72272 72271 72270 72093 72093 72092 72089 72086 72085
20A	54018 54018-Y 54018-X 54018-W 54018-Z 54019 54019-U,V,W,X 54663 55134	20B	71167 71168 71170 71171 71172 71173 71174 71466
21A	64046	21B	65957

	64016-Z 64048 62364-Z 64034 62364 62363		60869-Y 64035 57889 63361
22A	65921 65715-Z 65715 65715-X 65715-Y	22B	65446 65453 65187-Z, Y, X, W 65189 65184 65187
23A	65454 65457 65458 65459 65460 65202	23B	64313 67766 71465 60014-Z 65186 63016
24A	66541 66542 66547-Z 66548 66551 66544-Z 66547 66557-Z	24B	64043 49447-RE 63766
25A	66554VOL.I, II, III 66557 66550-Y 66550-Z 66567	25B	61034 60750 60613 60612-Z 60612
26A	66067 66285 66064 66064-Z 66065 66287 66289	26B	68952 68591 68590 68587 68340-Y 68340-Z 68340 68339 68338 68336 68334
27A	66290 66295 66294 66293 66292 66291 66296	27B	64520-W 64949 64949-Z 64520-Y 64520 VOL I & II
28A	65202-Y 65202-Z 65711-Z 65711 65716 65203	28B	64308 64308-Z 62914 63009 62906-Z
29A	60869 60340-Z 60196 60188-Y VOL II	29B	64566 64320 64316 64311 64731
30A	63304-Z 63304 VOL I & II	30B	67670 67667

	612208-Z 61228-Y 61228-X		67663 67662 67660 67563 67562 67561 67558 67557
31A	61034-Z 61472 61470 VOL I & II 61470-Z	31B	62896-Z 62902-Z 62902-Y 63309 63310 63313 63010 63012 63014-Z, Y
32A	62641 62372 63755-X 63755-Y 93755-Z 63751-Z 63755 63751	32B	60188-Y VOL I 64562 64310 64957 64708
33A	66566 66564 66574 66573 66568-W 66569 66569-Z 66572 66568-U 66568-X	33B	71735 71728 71727 71473 71472 71726 71471 71470 71467 71469-Z 71469
34A	64308-Y 64309-X, Y, Z, W, U 64113 64053 64061 64068 64052-Z 64049-Z 64069	34B	61472-Z 60186 60188-VOL II 60188-Z
35A	62370-Z 61819 62370 62589-X 62597 61819-Y 61819-Z 62589 61228	35B	68594 68595 68596 68597 68715-Z 68716 68831 68832 69074 69076
36A	66058 VOL I 66058-Z, Y, X 66059 66059-Z 66060 66062	36B	70906 69679 69678-Z 69678 69608 69510

			69509 69507 69504
37A	61041 61065 61065-Z 61035	37B	71419 71165 71164 71162 71163 70984
38A	66508-Z 63317 63439 63762-Z, Y 61049 61041-Z, Y, X, W, V 60869-Z	38B	67555 67550 67549 67057 67054 67002 67052 67050
39A	65719 65720 65951-Z, Y, X 69161 65962-Z 65966 66056 66057	39B	42411 60340 64520-X 63434 62896 39025 39025-A 42411-A 56841
40A(COPIES)	42914CR 42914AZ 42914A 42914 42914CS 42914GA 42914GB 42914C4 42914C 42914CX 42914T	40B	48338-A 38821-A 50539 40968-A
41A(COPIES)	42914B 42914ARE 42914DZ 42914CZ 42914DB 42914DA 42914DC 42914DC 42914FS 42914F 42914DF 42914DE 42914DG 42914DD	41B	72087 71169 64725 71732 68715 63007-Z 66565 66579-X 66579
42A(COPIES)	42914FZ 42914FX 42914FY 42914GC 42914FW 42914FR 42914FT 42914G 42914E 42914FA	42B	66579-Y 66558 73853 71166 73672 71468 70983

	42914DY 42914FB		
43A(COPIES)	42914FE 42914FD 42914FC 42914FF 42914FH 42914FG	43B	67053 65962 64568 64309
44A	66579 66568-T, U 67038 67069	44B	66544 48536-Z 54019-Z 61720 66581-W 66540 63434-Z
45A	72548 72547 73796 72546 72360	45B	62669 65455 62859-Y 64965 64724-Z
46A	64969 65951 54663-Z 62361	46B	67024-Z 60017
47A	71978 71977 71976 71824 71737 71822	47B	66990 66581-U, Z, Y, X 66581 66580
48A	64729 64728-Z 64727-Z 64727 62902-X 62902 62902-W	48B	64309-V 64309-T 68586 66568-Y 66061
49A	57722 73138 72997 72996 72995 72994	49B	66049 63764 55489-Z VOL I & II 62369
50A	70982 70981 70980 70979 70978 70908 70907	50B	66990-Z 66997 67000 67001 66992 66993 66994 67014 67023 67015
51A	44317-ZAZ 38821 38618 48338-Z 39025-Z 39019-A	51B	59253 70909 66576 66578 66577
52A	39024 38619 39256	52B	65709 47270 47270-Z

	48536 36256 39019		47270-ZRE 48337-Y 48338
53A	48544-A 44317 47269-A 40968	53B	67024 67024-X 67025 67021 67033 67046 67040 67035 67045 65965-Z
54A	65439 65443 65445 65194	54B	67037-Y,Z 67037 67044 40403-B
55A	65965 58817 66575		



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JHM

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/764,394	12/11/96	WATANABE	H 7217/52300

JAY H MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

7542/0629
K
COOPER & DUNHAM, LLP
JUL - 7 2000
DOCKET CLERK

EXAMINER	
NGUYEN, S	
ART UNIT	PAPER NUMBER
2731	18

DATE MAILED: 06/29/00
Petition to Revive: 9/29/00
W.D.

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- The proposed new formal drawings filed _____ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



CASE NOTES

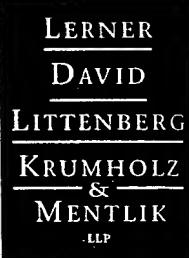
File Name: SONYJP 3.0-1204
Client Matter No.: SONYJP/1535

CONFIDENTIAL

DATE	PER	FILE NOTES
1/4/07	JODI	I called Petitions on 12/19/06 to determine the status of the Petition to Revive dated June 6, 2006. I was told by Ms. Grant that she would send an email to a manager. She advised if I didn't receive something soon to contact a manager. I then called Ira Lazarus who advised me that this case is assigned to Petitions Examiner Paul Shanoski (571-272-3225). I called Mr. Shanoski today and left a message.
5/24/06	PK	I talked to SPE Chi Pham (571 272-3179) who was the SPE at the time this application was allowed. I advised him of the fact that we had not yet received an acceptance of our Power of Attorney and therefore we were unable to access this application on PAIR. He advised that this case is with the "technical support staff" since about 3 months ago (which is around the time we filed our POA), so it appeared that it was being handled. He advised that the file would have to be scanned and would be sent to him at which time he could supply us with a copy of the Notice of Allowance. He said this should take about 10 days and I should call him back if I don't hear from him.
1/13/06	JODI	It appears that C&D intended to file a Petition to Revive but I do not see any signed copies in the file – I docketed this to file a petition.

623487_1.DOC

623487_1.DOC
Rev. 1/4/07



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

Robert B. Cohen
908.518.6316
rcohen@ldkm.com

March 7, 2006

**VIA FACSIMILE TRANSMISSION (011-81-3-5435-3043)
CONFIRMATION BY AIRMAIL**

Mr. Yoshihide Nakamura
Senior General Mgr., Intellectual Property Div.
Sony Corporation
Osaki East Technology Center
Gate City Osaki 1-11-1 Osaki
Shinagawa-ku, Tokyo 141-0032
JAPAN

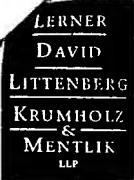
Re: SONYJP 3.0-1204
U.S. Patent Application No. 08/764,394
TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SET
Sony Ref. No. S96P1065US00

Dear Mr. Nakamura:

We recently received the above-captioned file as a transfer from Cooper & Dunham.

Upon reviewing the file, we discovered that a Notice of Allowance issued on December 17, 1999, but apparently was not initially received by the Cooper & Dunham firm. Accordingly, the issue fee was not paid, and a Notice of Abandonment was issued on June 29, 2000.

Upon receipt of the Notice of Abandonment, the Cooper & Dunham firm was apparently prepared to file a Petition to Revive this application as reported in Jay Maioli's letter to Mr. Nakata of January 18, 2001. However, it appears that the petition was never filed. That is, all the requisite papers were prepared and are in the file, but were never signed. Moreover, there are two (2) bank checks in the file, one for the petition fee and another for the issue fee, but these checks were never sent to the Patent Office.



Mr. Yoshihide Nakamura
March 7, 2006
Page 2

We are prepared to file a Petition to Revive this application based on unintentional delay. The fee for the petition is \$1,500.00 and since the Notice of Abandonment issued almost six (6) years ago, it is questionable whether such a petition will be granted. Therefore, before proceeding, we seek your authorization to file the petition with the Patent Office.

We look forward to receiving your instructions. Should you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

A handwritten signature in black ink, appearing to read "Robert B. Cohen".

ROBERT B. COHEN

RBC/amf:emb

06-03-12;12:36PM;

SONY

LERNER, LITTFINGER ;

1 / 1



Intellectual Property Department, Sony Corporation
Gate City Osaki 1-11-1 Osaki, Shinagawa-ku, Tokyo, 141-0032 Japan

Telephone: +81-3-5435-3910
Fax: +81-3-5435-3043

FBC

March 12, 2006

Mr.J.S.Littenberg
LERNER,DAVID,LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield,New Jersey 07090-1497
U.S.A.

Re: Patent Application in U.S.A. No.764894
Your Ref.: 3.0-1204
Sony File: S96P1065US00

Dear Mr.J.S.Littenberg

In connection with the above identified case, we acknowledge receipt of and thank you for your letter of March 7, 2006.

We understand the situation.

Before we ask you to file the petition, we would like to examine whether this application is really worth the cost for reviving based on the claims allowed to be patented.
However, we do not know what the ultimate claims are because we have no document of them in our file wrapper.

Will you please send us set of ultimate claims for our review as soon as possible?

If you have any comments or questions, please inform us before filing the response.

We appreciate your cooperation in this matter.

Very truly yours,

Takao Motohashi Jr

Yoshihide Nakamura
Senior General Manager
Intellectual Property Division

YN:T.I.:TM

LERNER
DAVID
LITTBENBERG
KRUMHOLZ
&
MENTLIK
LLP



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

Robert B. Cohen
908.518.6316
rcohen@ldkm.com

March 22, 2006

**VIA FACSIMILE (011.81.3.5435.3043)
CONFIRMATION BY AIRMAIL**

Mr. Yoshihide Nakamura
Senior General Mgr., Intellectual Property Div.
Sony Corporation
Osaki East Technology Center
Gate City Osaki 1-11-1 Osaki
Shinagawa-ku, Tokyo 141-0032
JAPAN

Re: SONYJP 3.0-1204
U.S. Patent Application No. 08/764,394
TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SET
Sony Ref. No. S96P1065US00

Dear Mr. Nakamura:

Thank you for your letter of March 12, 2006.

In response to your inquiry, attached are the final versions of claims 4 and 6, the two claims which were allowed in this application prior to abandonment.

After you have had the opportunity to consider these claims, please let us know whether we should file a petition to revive this application. Should you have any further questions, please do not hesitate to contact us.

Sincerely yours,

LERNER, DAVID, LITTBENBERG,
KRUMHOLZ & MENTLIK, LLP

ROBERT B. COHEN

RBC/dg
Enclosure

SONY



Intellectual Property Department, Sony Corporation
Gate City Osaki 1-11-1 Osaki, Shinagawa-ku, Tokyo, 141-0032 Japan

Telephone: +81-3-5435-3910
Fax: +81-3-5435-3043

PBC

May 8, 2006

Mr.J.S.Littenberg
LERNER,DAVID,LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield,New Jersey 07090-1497
U.S.A.

CONFIRMATION

Re: Patent Application in U.S.A.
Your Ref.: 3.0-1204
Sony File: S96P1065US00

Dear Mr.J.S.Littenberg

Thank you for your letter of March 22, 2006, enclosing the finally allowed claims of above identified case.

We apologize for not replying soon.

After we review them, we decided to file a Petition to Revive this application.
As you pointed out, we think it difficult to get allowed such a petition.
However, it is worth trying.

Will you please prepare filing a Petition to Revive this application based on unintentional delay as soon as possible?

We appreciate your cooperation in this matter.

Very truly yours,

Takao Motohashi
Fumihiko Moriya
Senior General Manager
Intellectual Property Division

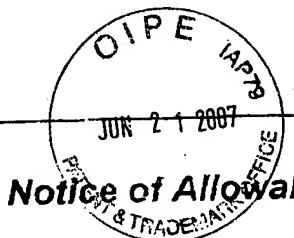
FM:TM:

JUN 21 2007

PARENT & TRADE
LIBRARY OFFICE

User	Application	Activity	Date & Time	Duration	Pages Printed	Location	Comments
PHYLLISK	WINWORD	Print	4/15/2007 10:44:29 AM	0:0:0	5	PHYLLISK1	
PHYLLISK	OUTLOOK	Print	4/15/2007 10:44:29 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	OUTLOOK	Copy	4/15/2007 10:15:16 AM	0:0:0	0	PHYLLISK1	Copied to document LDLKM_756048_1.DOC
AVAF	WINWORD	Checkin	1/29/2007 1:22:47 PM	0:7:20	0	AVAF1	
AVAF	OUTLOOK	Checkout	1/29/2007 1:15:27 PM	0:0:0	0	AVAF1	
AVAF	OUTLOOK	View	1/29/2007 1:11:21 PM	0:0:0	0	AVAF1	
AVAF	OUTLOOK	View	1/29/2007 1:10:48 PM	0:0:0	0	AVAF1	
AVAF	WINWORD	Checkin	1/25/2007 4:50:18 PM	0:1:12	0	AVAF1	
AVAF	OUTLOOK	Checkout	1/25/2007 4:49:06 PM	0:0:0	0	AVAF1	
AVAF	WINWORD	Checkin	1/25/2007 4:48:29 PM	0:2:0	0	AVAF1	
AVAF	WINWORD	Print	1/25/2007 4:48:18 PM	0:0:0	4	AVAF1	
AVAF	OUTLOOK	Checkout	1/25/2007 4:46:29 PM	0:0:0	0	AVAF1	
PHYLLISK	OUTLOOK	View	10/30/2006 2:34:08 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	OUTLOOK	View	9/22/2006 11:49:38 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	OUTLOOK	View	9/22/2006 11:48:55 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	OUTLOOK	View	6/26/2006 12:27:00 PM	0:0:0	0	PHYLLISK1	
ARLEENT	WINWORD	Checkin	6/16/2006 12:38:08 PM	0:0:56	0	ADL1	
ARLEENT	OUTLOOK	Checkout	6/16/2006 12:37:12 PM	0:0:0	0	ADL1	
PHYLLISK	OUTLOOK	View	6/13/2006 4:31:43 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	OUTLOOK	View	6/7/2006 3:06:20 PM	0:0:0	0	PHYLLISK1	
RBC	MANAGE32	View	6/6/2006 6:38:40 PM	0:0:0	0	RBC1	
PHYLLISK	MANAGE32	View	6/6/2006 11:28:02 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Checkin	6/6/2006 11:28:01 AM	0:10:43	0	PHYLLISK1	
PHYLLISK	MANAGE32	Checkout	6/6/2006 11:17:18 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	MANAGE32	View	6/6/2006 11:17:11 AM	0:0:0	0	PHYLLISK1	
SHARONM	WINWORD	Checkin	6/5/2006 2:48:45 PM	0:25:20	0	SHARONM1	
SHARONM	WINWORD	Modify	6/5/2006 2:48:45 PM	0:0:0	0	SHARONM1	
SHARONM	WINWORD	Print	6/5/2006 2:37:32 PM	0:0:0	5	SHARONM1	
SHARONM	OUTLOOK	Checkout	6/5/2006 2:23:25 PM	0:0:0	0	SHARONM1	
SHARONM	MANAGE32	View	5/31/2006 3:18:01 PM	0:0:0	0	SHARONM1	
SHARONM	MANAGE32	View	5/31/2006 3:17:20 PM	0:0:0	0	SHARONM1	
SHARONM	WINWORD	Modify	5/31/2006 3:17:19 PM	0:0:0	0	SHARONM1	
SHARONM	WINWORD	Checkin	5/31/2006 3:17:19 PM	0:56:50	0	SHARONM1	
SHARONM	WINWORD	Print	5/31/2006 2:53:06 PM	0:0:0	5	SHARONM1	
SHARONM	MANAGE32	Checkout	5/31/2006 2:20:29 PM	0:0:0	0	SHARONM1	
SHARONM	MANAGE32	View	5/31/2006 2:20:28 PM	0:0:0	0	SHARONM1	
PHYLLISK	MANAGE32	Changed Profile	5/31/2006 2:19:51 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	MANAGE32	View	5/24/2006 2:46:07 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Checkin	5/24/2006 11:17:45 AM	1:5:47	0	PHYLLISK1	
PHYLLISK	MANAGE32	View	5/24/2006 11:17:45 AM	0:0:0	0	PHYLLISK1	

User	Application	Activity	Date - Time	Duration	Pages Printed	Location	Comments
PHYLLISK	WINWORD	Modify	5/24/2006 11:17:44 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Print	5/24/2006 11:08:19 AM	0:0:0	5	PHYLLISK1	
PHYLLISK	MANAGE32	Checkout	5/24/2006 10:11:58 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	MANAGE32	View	5/24/2006 10:11:30 AM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Checkin	5/23/2006 5:14:20 PM	0:46:12	0	PHYLLISK1	
PHYLLISK	WINWORD	Modify	5/23/2006 5:14:20 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Print	5/23/2006 5:10:33 PM	0:0:0	5	PHYLLISK1	
PHYLLISK	WINWORD	Checkin	5/23/2006 4:28:08 PM	0:0:1	0	PHYLLISK1	
PHYLLISK	WINWORD	Checkout	5/23/2006 4:28:08 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Create	5/23/2006 4:28:07 PM	0:0:0	0	PHYLLISK1	
PHYLLISK	WINWORD	Checkout	5/23/2006 4:28:07 PM	0:0:0	0	PHYLLISK1	

**Notice of Allowability**

Application No.

08/784,394

Applicant(s)

Watanabe et al.

Examiner

Steven Nguyen

Group Art Unit

2731



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to amendment E filed on 10/7/99
- The allowed claim(s) is/are 4 and 6 now renumbered 1-2 respectively
- The drawings filed on _____ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS
- because the originally filed drawings were declared by applicant to be informal.
- including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 5.
- Including changes required by the proposed drawing correction filed on Nov 16, 1998, which has been approved by the examiner.
- including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance



Dkt. 7217/52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hidekazu WATANABE et al.

Serial No. : 08/764,394 Group Art Unit 2731

Filed : December 11, 1996 Examiner S. Nguyen

For : TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SYSTEM

Attorney handling matter: Paul Shanoski

DECLARATION OF JAY H. MAIOLI IN SUPPORT OF PETITION
TO REVIVE APPLICATION UNDER 37 C.F.R. §1.137(b)

I, JAY H. MAIOLI, declare that:

1. I am, and at all times material hereto have been, an attorney at law, a member of the bar of the State of New York and registered to practice before the United States Patent and Trademark Office (Reg. No. 27,213). From a time prior to 1995, until on or about January 31, 2006, I was a partner in the law firm of Cooper & Dunham LLP (Cooper & Dunham) with offices at 1185 Avenue of the Americas, New York, NY 10036.

2. From the filing date of the above-identified application until after January 1, 2006, I was an attorney of record in the above-identified application and was the attorney primarily responsible for prosecuting the application in the United States Patent and Trademark Office (USPTO). Throughout this period, communications from the USPTO concerning the above-identified application were addressed to me at the above office of Cooper & Dunham.

3. The above-identified application became abandoned on March 17, 2000, for nonpayment of an issue fee required in a Notice of Allowance dated December 17, 1999, which was accompanied by a Notice of Allowability requiring formal drawings and was addressed to but never received by me. A Notice of Abandonment dated June 29, 2000, was addressed to and received by me. I was the party having the right to reply to the Notice of Allowance to avoid abandonment, and to reply to the Notice of Abandonment to seek withdrawal of the holding of abandonment and/or revival of the application. I do not know and do not now believe that the issue fee was ever paid or tendered to the USPTO before about June 12, 2006, or that any petition or other response to the Notice of Abandonment was ever submitted to the USPTO before about June 12, 2006, or that the formal drawings have ever been submitted to the USPTO.

4. In or about December 2005, Sony Corporation (Sony), assignee of the above-identified application and of other U.S. patent applications and patents as to which I was an attorney of record, initiated a transfer of responsibility for the above-identified application and such other applications and patents from Cooper & Dunham to the law firm of Lerner, David, Littenberg, Krumholz & Mentlik (Lerner, David) of Westfield, NJ. Under Sony's instructions, in or about December 2005 and January 2006 my files of all those applications and patents including the above-identified application were sent by Cooper & Dunham to Lerner, David without retaining copies of the contents thereof; I did not remove anything from those files, and I am informed and believe that no other person at Cooper & Dunham removed anything from those files, before the files were physically transported from Cooper & Dunham to Lerner, David. The powers of attorney previously given to me and other attorneys of Cooper & Dunham in all of these cases were

revoked by Sony, and, as I am informed and believe, new powers of attorney in all these cases were given by Sony to attorneys of Lerner, David. From that time, I no longer had access to my file of the above-identified application, or to the file wrapper of the application in the USPTO, although I am informed and believe that during September 2006, Cooper & Dunham obtained a copy of the USPTO file wrapper under a Power to Inspect from Lerner, David.

5. On or about September 12, 2006, Robert B.G. Horowitz, a partner in Cooper & Dunham, advised me by telephone that he had been notified by Sony that the above-identified application and several others had become abandoned in or about 2000 for failure of the USPTO to receive issue fees and/or drawings (as here required in the December 17, 1999, Notice of Allowance). On or after January 19, 2007, he informed me that a Petition for Revival of the above-identified application filed by Robert B. Cohen of Lerner, David on June 12, 2006, had been dismissed in a USPTO decision dated January 19, 2007.

6. From a time prior to the transfer of responsibility described in paragraph 4 above until September 12, 2006, I did not have in mind and did not recall that the above-identified application had ever been allowed or abandoned, or that the issue fee and the formal drawings required in the Notice of Allowability had not been timely filed in the USPTO.

7. The entire delay in filing the required reply (issue fee and formal drawings) from the due date for the reply (March 17, 2000) until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional.

8. The procedure in 1999 and 2000 for handling communications from the USPTO addressed to me at Cooper & Dunham was as follows:

- (a) All incoming mail was received first in the mail room of Cooper & Dunham. Envelopes from the USPTO were sorted and delivered by mail room personnel to the docketing department of Cooper & Dunham.
- (b) In the docketing department, on the same day that the mail was received in the mail room, a clerk trained in patent prosecution docketing procedures opened each USPTO envelope, stamped the enclosed communication with the date received, entered its mailing date, required responses (e.g., issue fee and formal drawings), Cooper & Dunham docket number and responsible attorney in a computerized docket system, and caused the communication to be delivered to the responsible attorney within the Cooper & Dunham office. Mail for me was placed on a dedicated table in my room, where I inspected it and, with the assistance of my secretary, caused its response due date to be entered on my personal docket calendar, reported it by letter to the client to whose application it related, and placed it in the file of that application. Upon receipt of a Notice of Allowance, it was also my practice to have a pink slip placed on the application file and have the file placed in a dedicated file drawer to ensure timely attention.
- (c) Before the beginning of each month and week, the computerized docket system would generate and print out, for each attorney of Cooper & Dunham handling USPTO matters, a "Monthly Docket Sheet" and "Weekly Docket Sheet" listing, in chronological order, docket prompts for all USPTO due dates for which that attorney was responsible in that month or week. These Monthly and Weekly Docket Sheets were based on the informa-

tion entered in the computerized docket system when USPTO communications were received as described above. Each attorney received his or her Monthly or Weekly Docket Sheet from the docketing department before the first day of the month or week to which the sheet related. I used my Monthly and Weekly Docket Sheets as a back-up to my personal calendar as a source of prompts.

- (d) When an attorney caused a paper, fee or other item to be mailed to the USPTO in response to a USPTO communication, the response was accompanied by a postpaid return card, and a copy of the return card was given by the attorney or his or her secretary to the docketing department on the same date. A clerk in the docketing department entered the mailing date from the return card into the computerized docket system, recording that the response had been mailed.

Although I did not retain my personal calendar and Monthly and Weekly Docket Sheets after the time periods to which they related, I believe that the foregoing procedures would have been followed in the case of the Notice of Allowance and accompanying Notice of Allowability of the above-identified application (if those papers had been received by Cooper & Dunham), and were followed in the case of the Notice of Abandonment of the above-identified application, as these were the standard procedures followed by Cooper & Dunham and by me from a time before 1999 until a time after 2000, and I recall no departure from those procedures in any instance.

9. Upon receiving a Notice of Allowance and Notice of Allowability of a U.S. patent application assigned to Sony, throughout 1999 and 2000, it was my uniform practice to cause a letter to be written to Sony reporting these communications and (in accordance with long-standing practice agreed between Sony and

me) advising Sony that unless I received contrary instructions I would pay the issue fee shortly before the due date; a copy of each letter from me to Sony relating to an application was placed in the file of that application to which it related contemporaneously with the mailing of the letter. I am informed and believe that Lerner, David found no letter reporting a Notice of Allowance in the file of the above-identified application when Lerner, David reviewed the file of the application in 2006.

10. After reporting a Notice of Allowance to Sony, if (as was customary) I received no contrary instructions or other reply from Sony, it was understood between us that I would proceed to pay the issue fee and meet other requirements (such as filing formal drawings) on a timely basis to obtain issuance of a patent on the allowed application, without any specific acknowledgment or instructions from Sony. I am informed and believe that when Lerner, David reviewed my file of the application in 2006, it contained no communication from Sony concerning payment or nonpayment of the issue fee, and that neither my file of the application nor the USPTO file wrapper of the application contains any record or indication that an issue fee was ever paid, or that drawings were ever submitted after allowance, in the above-identified application.

11. Reference is made hereinbelow to attached EXHIBITS 1 - 14. I am informed and believe that these exhibits are photocopies of documents which are correctly described as follows:

EXHIBIT 1 - a Declaration of Michelle Metri, currently employed as a clerk in Cooper & Dunham's docketing department, with an attached Exhibit A therein described;

EXHIBIT 2 - a Declaration of Barbara Farnacci, who is and at all times material hereto has been manager of Cooper & Dunham's

accounting department, with attached Exhibits A, B, C, D, E, F and G therein described;

EXHIBIT 3 - a letter dated December 14, 1999, from me to Mr. K. Nakata of Sony;

EXHIBIT 4 - a four-sheet Facsimile transmission dated December 14, 2000, from Examiner Steven Nguyen of the USPTO to Rashmi Raj;

EXHIBIT 5 - an unsigned draft Petition for Revival of an Application Abandoned Unavoidably, prepared for my signature and dated January 18, 2001;

EXHIBIT 6 - an unsigned draft Declaration prepared for execution by me in support of the Petition to Revive;

EXHIBIT 7 - the copy of the Notice of Abandonment of the above-identified application that was received by Cooper & Dunham on July 7, 2000;

EXHIBIT 8 - an unsigned draft Declaration prepared for execution by Wendell Dunn in support of the Petition to Revive;

EXHIBIT 9 - a 3-page computer printout of Cooper & Dunham's docketing department records of the above-identified application, bearing the date 1/16/2001 in the upper left corner of each page;

EXHIBIT 10 - an unsigned draft Declaration prepared for execution by Terron Breland in support of the Petition to Revive;

EXHIBIT 11 - an unexecuted issue fee transmittal form (Form PTOL-85B) prepared for submission with an issue fee check for the above-identified application;

EXHIBIT 12 - a return card dated January 18, 2001, listing a Petition to Revive with exhibits, three Declarations with exhibits, two fee checks and a certificate of mailing;

EXHIBIT 13 - an unsigned draft letter to Mr. K. Nakata of Sony, dated January 18, 2001, prepared for my signature (but unsigned) and reporting the abandonment of the above-identified application and the filing of a petition to revive it;

EXHIBIT 14 - an unsigned draft Petition for Revival of an Application Abandoned Unavoidably, prepared for my signature and dated December 13, 2002.

I am also informed and believe that EXHIBITS 3 - 14 (and Exhibit F attached to EXHIBIT 2) are all photocopies of exhibits (or parts of exhibits) that were attached to a Petition filed June 12, 2006, by Robert B. Cohen, for Revival of the above-identified application, and that these photocopies were part of the aforementioned copy of the USPTO file wrapper of the application obtained by Cooper & Dunham in September 2006.

12. On information and belief, the circumstances pertinent to the abandonment of the above-identified application on March 17, 2000, the subsequent efforts to revive the application, and the delay in filing a grantable petition to revive the application, were as described in the following numbered paragraphs 13 - 28 of this Declaration.

13. On December 13, 1999, a telephone interview between Examiner Steven Nguyen and me, initiated by the Examiner, resulted in authorization to the Examiner to make an Examiner's Amendment of the claims of the above-identified application, with an understanding that the application as thus amended would be passed to issue (see the Examiner's record of this interview set forth in the last two pages of EXHIBIT 4). On December 14, 1999, I reported this telephone interview and the expected allowance of the application to Mr. K. Nakata of Sony by letter (EXHIBIT 3).

14. A Notice of Allowance setting a date of March 17, 2000, for payment of the issue fee, a Notice of Allowability requiring submission of new formal drawings by March 17, 2000 (extendable to June 17, 2000), and an Examiner's Amendment (including a Statement

of Reasons for Allowance), were issued and presumably mailed by the USPTO on December 17, 1999.

15. The Notice of Allowance, Notice of Allowability and Examiner's Amendment presumably mailed by the USPTO on December 17, 1999, were never received by Cooper & Dunham, or by me. Owing to the non-receipt of this mail by Cooper & Dunham, neither the Notice of Allowance nor the due dates for payment of the issue fee and submission of drawings for the above-identified application were ever entered by Cooper & Dunham's docketing department in the firm's docketing records (see EXHIBIT 1 with its attached Exhibit A, and EXHIBIT 9, which is substantively identical to Exhibit A of EXHIBIT 1, both showing the same computer records in essentially the same format though printed out more than six years apart). As a result, no prompt for payment of the issue fee and/or submission of drawings ever appeared on my monthly or weekly docket sheets provided by Cooper & Dunham (see EXHIBIT 1); I did not make any entry of due dates for the issue fee and drawings in my own personal calendar; and these due dates passed without my ever having been aware of them. In fact, until on or after July 7, 2000, I did not know that a Notice of Allowance of the above-identified application had issued or been mailed by the USPTO. These are the reasons why the issue fee was not timely paid, the required drawings were not timely submitted, and the application became abandoned as of March 17, 2000. More particularly, EXHIBIT 1 and its attached Exhibit A (a printout made by the Declarant Michelle Metri in February 2007 from the Cooper & Dunham computerized docket system listing all entries made in the system, and all docket prompts for due dates included in my Monthly Docket Sheets, for the above-identified application from the date of filing of the application in the USPTO until the February 2007 date of the printout) show that:

- (a) No Notice of Allowance and no Notice of Allowability in the above-identified application were ever entered in the computerized docket system for payment of the issue fee and filing the formal drawings, nor were due dates for either (the actual due dates having been March 17, 2000, with an extended due date of June 17, 2000, for filing the formal drawings) entered into the docket system;
- (b) no payment of the issue fee or post-allowance submission of drawings, or any petition to revive or other response to the Notice of Abandonment, was ever entered in the computerized docket system.

16. A Notice of Abandonment of the application, giving as the sole reason for abandonment the nonpayment of the issue fee (EXHIBIT 7), was mailed by the USPTO on June 29, 2000. On July 7, 2000, the Notice of Abandonment was received in Cooper & Dunham's docketing department (see the date received stamp on EXHIBIT 7), and was duly entered in the docket records for the subject application, together with a Petition to Revive due date of September 29, 2000 (EXHIBIT 1, with its attached Exhibit A; EXHIBIT 9). In accordance with Cooper & Dunham's above-described procedure for handling and delivering incoming mail from the USPTO, the Notice of Abandonment was delivered to me and I learned of the abandonment of the application for nonpayment of the issue fee, although I did not then realize that drawings were also required because the Notice of Abandonment referred only to nonpayment of the issue fee.

17. Upon learning of the abandonment, I promptly undertook efforts to obtain revival of the application. A thorough search of my file of the application was conducted by me and/or by personnel of Cooper & Dunham under my direction to ascertain

whether a Notice of Allowance of the application had in fact been received; the search established that no Notice of Allowance was in the file. An investigation of Cooper & Dunham's computerized docket records and of my own docket calendar was made, and no entry for the Notice of Allowance or for any issue fee due date for the above-identified application was found. Thereby, I determined that the abandonment had resulted from non-receipt by Cooper & Dunham, and consequent non-docketing, of the Notice of Allowance and the due date it set.

18. In furtherance of my continuing intent to obtain revival of the above-identified application, on or before August 1, 2000, I instructed Pedro C. Fernandez, an attorney registered to practice in the USPTO who was then employed as an associate in Cooper & Dunham (and who had participated, under my supervision, in the prosecution of the above-identified application and a number of other U.S. patent applications of Sony), to prepare a petition for revival of the application. Time records submitted by Mr. Fernandez to Cooper & Dunham's accounting department show that on August 1, 2000, he spent 3.00 hours on preparing a petition to revive the "unavoidably abandoned" application identified above, with billing value of \$660.00 (EXHIBIT 2 and Exhibit C thereto attached). No document or other record now present in the USPTO file wrapper of the above-identified application or in the contents of my file of the application (as described by Lerner, David after receiving and reviewing that file) is identifiable as resulting from the work thus performed by Mr. Fernandez, but his services were included in an invoice to Sony dated September 15, 2001 (EXHIBIT 2 and Exhibit A thereto attached), and subsequently paid by Sony.

19. On or before December 4, 2000, I instructed Rashmi S. Raj, who was then employed as an associate by Cooper & Dunham, to proceed with the drafting of papers necessary to revive the above-identified application, and also to try to obtain a copy of the Notice of Allowance and any accompanying papers, since we did not have them. Time records submitted by Ms. Raj to Cooper & Dunham's accounting department show that on December 4, 19 and 27, 2000, and on January 4, 11, 12, 15 and 16, 2001, she was engaged in preparing a petition to revive the above-identified application and that on December 11, 2000, she telephoned the Examiner handling the application (EXHIBIT 2 and Exhibit D thereto attached); the total recorded dollar value of her time was \$288, but this was ultimately written off and not billed to Sony (EXHIBIT 2 and Exhibit B thereto attached).

20. Following Ms. Raj's December 11, 2000, telephone call, Examiner Steven Nguyen of the USPTO sent her, by Facsimile transmission on December 14, 2000, with a cover sheet, the Notice of Allowability of the above-identified application and the accompanying two-page Examiner's Amendment (EXHIBIT 4). Since the cover sheet identified only three enclosed pages, the transmission did not include the actual Notice of Allowance, the fee transmittal form (PTOL-85B), or any other pages.

21. As reported by Lerner, David after receiving and reviewing my file of the above-identified application, the file contained a number of loose papers that were listed in and submitted as exhibits with Mr. Cohen's original petition to revive in June 2006. Some of these papers were in the form of petitions or declarations for submission to the USPTO but were unsigned, and the fact that they were lying "loose" in the file (as opposed to being bound into the file) is an indication that neither they nor

any originals or copies of them were actually submitted to the USPTO, because it was my practice to bind into my file of an application copies of all papers actually submitted to the USPTO but to leave unbound any papers that were not copies of documents actually submitted to the USPTO.

22. Most of these loose papers were produced or obtained by Ms. Raj on or before January 18, 2001, in the course of her efforts to prepare a submission to the USPTO to revive the above-identified application. They included an unsigned Petition for Revival prepared for my signature (EXHIBIT 5), an unsigned Declaration also for my signature (EXHIBIT 6), an unsigned Declaration for execution by Cooper & Dunham's docket clerk, Wendell Dunn (EXHIBIT 8), a computer printout of Cooper & Dunham's docket department records of the above-identified application (EXHIBIT 9) for attachment as an exhibit to the Dunn Declaration, an unsigned Declaration for execution by Cooper & Dunham's mailroom administrator, Terron Breland (EXHIBIT 10), an unsigned issue fee transmittal form PTOL-85B evidently prepared from a suitably masked or whited-out photocopy of a Form PTOL-85B from another application (EXHIBIT 11), two unsigned fee checks to accompany the Petition and transmittal form (Exhibit F attached to EXHIBIT 2), a return card listing these papers (EXHIBIT 12), and an unsigned draft letter (EXHIBIT 13) to Mr. Nakata of Sony for my signature, reporting the Notice of Abandonment of the application and the steps to be taken to revive it.

23. At the time she was engaged in the efforts described in paragraphs 19, 20 and 22 above, Ms. Raj was preparing to leave Cooper & Dunham. Her last day of work at Cooper & Dunham was January 18, 2001 (Exhibit G attached to EXHIBIT 2). On or before that day, she printed out the Petition (EXHIBIT 5, dated January

18, 2001), the return card (EXHIBIT 12, dated January 18, 2001) and the letter to Mr. Nakata (EXHIBIT 13, dated January 18, 2001), as well as the three Declarations (EXHIBITS 6, 8 and 10). On January 17, 2001, she obtained the two checks (Exhibit F attached to EXHIBIT 2) from the accounting department. On January 16, 2001, she obtained the computer printout of docket records (EXHIBIT 9) from the docketing department. Copies of the papers received from Examiner Nguyen (EXHIBIT 4) and of the Notice of Abandonment (EXHIBIT 7), intended for attachment as exhibits to the Petition or to the Declaration prepared for my signature, as well as the Form PTOL-85B (EXHIBIT 11) were also present among these papers, which Ms. Raj placed loosely in or on the file of the above-identified application before leaving the firm's offices on her last day of work. The papers, however, were not completely ready for execution and filing when she left; in particular, a proposed voluminous documentary exhibit of photocopies of front pages of incoming USPTO mail, said in the Dunn Declaration to have been maintained by the firm's accounting department and intended to be attached to the Dunn Declaration, evidently had not been and never was prepared, since no such material was contained in the file of the above-identified application when it was reviewed by Lerner, David in 2006.

24. The file of the above-identified application with the above-described loose papers (EXHIBITS 5 - 13 and Exhibit F attached to EXHIBIT 2) was not brought to my attention on or before Ms. Raj's departure from the firm and did not come to my attention for a long time thereafter. Neither the firm's docket system nor my own calendar would have provided any prompts, on and/or after January 18, 2001, that would have reminded me of the need to complete and file a petition for revival of the above-identified application. Therefore, the file remained unreviewed.

As a result, no petition to revive the application was filed in the USPTO, nor was Sony notified that the application had become abandoned (since the loose papers prepared by Ms. Raj, in the file of the application, show that it was intended to report the abandonment to Sony and file the petition to revive simultaneously). The consequent further delay in filing a petition to revive was unintentional, resulting from a lack of continuing awareness of the need to file the petition.

25. The two fee checks that Ms. Raj had obtained from Cooper & Dunham's accounting department on January 17, 2001 (Exhibits A and F attached to EXHIBIT 2), were billed to Sony on March 7, 2001, under the docket number (52300) of the above-identified application; this amount (\$1350) was subsequently paid by Sony, but was thereafter refunded to Sony because the checks (never having been submitted to the USPTO) remained unpaid in Cooper & Dunham's bank records. The accounting department did not bring the non-clearance of these checks to my attention; consequently, this sequence of events concerning the checks did not alert me to the continuing abandoned status of the above-identified application.

26. In or about early December 2002, Spyros Loukakos, an attorney who was then employed as an associate by Cooper & Dunham, undertook efforts to revive the above-identified application. He submitted service time of 6.60 hours on December 13, 2002 (dollar amount \$1254.00), to the firm's accounting department for "Services in Connection with Issuing Patent; Petition to Revive" (Exhibit E attached to EXHIBIT 2). This amount was billed to Sony on January 10, 2003, and paid by Sony on January 31, 2003 (Exhibit A attached to EXHIBIT 2). As found by Lerner, David in 2006, one of the loose papers (EXHIBIT 14) is an unsigned Petition

for Revival of an Application Abandoned Unavoidably, generally similar to the unsigned petition (EXHIBIT 5) prepared by Ms. Raj, but dated December 13, 2002, and bearing on the last page the initials of Mr. Loukakos (SL) rather than those of Ms. Raj (RSR). The unsigned Certificate of Mailing on the first page of this petition bears the typed date "December 13, 2001" rather than 2002, but presumably this was a typographical error and the computer-inserted date of December 13, 2002, on the same page, is correct. The EXHIBIT 14 petition represents a product of Mr. Loukakos's work on the above-identified application on December 13, 2002, but was never filed in the USPTO. Again, when Mr. Loukakos's work was left incomplete, there was no system of docket prompts or reminders for bringing to my attention the continuing abandoned status of the application or the continuing need for action to revive it.

27. None of the draft papers seeking revival of the above-identified application refers to submission of drawings, even though the Notice of Allowability (EXHIBIT 3) provided to Ms. Raj by Examiner Nguyen set forth a drawing requirement. The need for drawings was unintentionally overlooked, because the Notice of Abandonment (EXHIBIT 7) specified the nonpayment of the issue fee as the sole reason for abandonment.

28. In summary, the failure to pay the issue fee and to submit required drawings for the above-identified application were unintentional throughout the entire period from the date of the Notice of Allowance until the present. The initial reason for this failure was the fact that the original Notice of Allowance was never received by the firm, or by me, the individual practitioner at the firm who was responsible for the application. Non-receipt of the Notice of Allowance is evidenced by the absence of

any entry for it, or for a due date for issue fee or drawings, in the firm's computer docket records. When a Notice of Abandonment was received, indicating issue fee nonpayment as the reason for abandonment, I promptly initiated steps to revive the application, assigning an associate of the firm to prepare the required petition. Repeatedly, over several years, efforts were undertaken to prepare a submission for revival and payment of the issue fee, evidencing a continuing intent to pay the issue fee and take all necessary steps to obtain revival of the application and grant of a patent thereon. The most extensive of these efforts was interrupted before completion by the departure from the firm of the attorney who was preparing the papers. Sony never became aware of the allowance or abandonment of the application because that attorney's departure occurred before the reporting letter to Sony (which she had drafted) was reviewed, and in consequence it was never sent.

29. Mr. Fernandez, Mr. Loukakos, Mr. Breland and Mr. Dunn, as well as Ms. Raj, have all left the employ of the firm (Exhibit G attached to EXHIBIT 2.)

30. My failure to file, or cause to be filed, the issue fee and corrected formal drawings in the above-identified application, after receiving the Notice of Abandonment in July 2000, was the result of oversight and was entirely unintentional. My failure to timely respond, or cause a timely response to be made, to the Notice of Abandonment, was also the result of oversight and was entirely unintentional. At all pertinent times and thereafter, my intent was to satisfy all requirements for grant of a patent on the above-identified application.

31. In the years 2000 and 2001 and for some time thereafter, Cooper & Dunham's firm docketing procedures did not include any procedure for notifying an attorney of long inactivity in an application, regardless of the length of time that had elapsed; and I also had no personal procedure or system for bringing to my attention a period of inactivity, no matter how long, in applications for which I was responsible. At any given time during that period, I was responsible for the prosecution of hundreds of concurrently pending U.S. patent applications. Consequently, after I had unintentionally failed, through oversight, to complete timely procedures for revival of the above-identified application including payment of the issue fee, submission of required drawings and filing of an appropriate petition in response to the Notice of Abandonment, it did not and would not have come to my attention that the requirements for grant of a patent on the above-identified application had not been met.

32. At the time my file of the above-identified application was transferred to Lerner, David as described above, I was not currently aware that a requirement for payment of the issue fee or for corrected formal drawings (or any other requirement for grant of a patent) had not been timely met, and I was not currently aware that the application had become abandoned for any reason. Neither I nor (as I am informed and believe) anyone else at Cooper & Dunham reviewed the file substantively, in preparation for its transfer to Lerner, David, to determine whether there was any outstanding requirement and/or whether the application had become abandoned. Since the abandoned status of the application was thus unknown to me and others at Cooper & Dunham, at the time of the transfer, we did not and could not have called the attention of Lerner, David to such status at that time.

33. I am informed and believe that the delay in filing the issue fee in the above-identified application, and the fact that the application became abandoned, were discovered by personnel at Lerner, David in the course of reviewing the hundreds of Sony files sent to Lerner, David from Cooper & Dunham, some time after December 2005 but before June 12, 2006.

34. Before and throughout the period from December 17, 1999, until September 12, 2006, I never received any instruction or other communication from the assignee of the application, Sony Corporation, indicative of any intent on Sony's part to abandon the application; on the contrary, I always believed (as in fact was and continues to be the case) that it was and is Sony's intent not to abandon the application but to obtain grant of a U.S. patent thereon.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



JAY H. MAIOLI

Date 05.16.07



Dkt. 7217/52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hidekazu WATANABE et al.

Serial No. : 08/764,394

Group Art Unit 2731

Filed : December 11, 1996

Examiner S. Nguyen

For : TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SYSTEM

DECLARATION OF MICHELLE METRI

I, MICHELLE METRI, declare that:

1. I have been employed as a clerk in the docketing department of Cooper & Dunham LLP ("the firm") from September 13, 2005, to the present.

2. My employment duties in that capacity include reviewing incoming communications from the United States Patent and Trademark Office (USPTO) and entering relevant information about due dates into the firm's computerized docket system which is PC Master, a system by MDC (Master Data Corporation). For example, when the firm receives an Office Action in a pending U.S. patent application, I input into the docket system (for that patent application, identified by the firm's docket number), the response (action) due, the response due date, and the maximum available extension due date, if any. When a response to that Office Action is mailed to the USPTO, the firm's docketing department receives a copy of the return card mailed with the response, and the mailing date that appears on the card is entered into the computerized docket system. This information is permanently stored in the computerized docket system, and is sortable and printable by docket number, i.e., by application.

3. Before the beginning of each month, the computerized docket system prints out, for each attorney of the firm, a "Monthly Docket Sheet" listing in chronological order all due dates for actions to be taken in the USPTO for which that attorney is responsible during that month. These due dates are derived from the data entered as described numbered paragraph 2 above. In the same way, before the beginning of each week, the computerized docket system prints out a "Weekly Docket Sheet" for each attorney of the firm, listing in chronological order all that attorney's USPTO due dates for the coming week. The Monthly and Weekly Docket Sheets are distributed to the attorneys to whom they respectively pertain, in advance of the first day of the period to which they relate.

4. I am informed and believe that the procedure described above has been employed, without substantial change, at least since a time prior to the filing date of the above-identified application.

5. Attached hereto as EXHIBIT A is a photocopy of a printout of the docketing information from our docket system for the above-identified application (application No. 08/764,394, firm docket No. 52300). "Act Due Date" entries are the due dates that (with an identification of the application by docket number, and a short description of the action to be taken) are printed out on Monthly Docket Sheets as described above. "Taken Dt" entries are the dates of mailing of a response as entered by the docketing department based on a copy of a return card. All "Act Due Date" entries would have appeared on the Monthly and Weekly Docket Sheets produced for the responsible attorney (in this case, shown as Jay H. Maioli), at least if no response was mailed ("Taken Dt") before the applicable Monthly or Weekly Docket Sheet was produced.

6. EXHIBIT A shows that, for the above-identified application, the docketing department entered no Action description "ISSUE FEE DUE" or "DRAWINGS REQUIRED OR DUE" in the computerized docket system. As a result of the absence of these entries, no "Act Due Date" for "ISSUE FEE DUE" or "DRAWINGS REQUIRED OR DUE" for the above-identified application would ever have been included on any of Mr. Maioli's Monthly Docket Sheets or Weekly Docket Sheets. If a Notice of Allowance of the above-identified application had been received at any time by the firm's docketing department, an Action description "ISSUE FEE DUE," with the appropriate "Act Due Date," should have been entered in the computerized docket system and, if so entered, would have appeared on EXHIBIT A. If a Notice of Allowability requiring drawings for the above-identified application had been received at any time by the firm's docketing department, an Action description "DRAWINGS REQUIRED OR DUE," with the appropriate "Act Due Date," should have been entered in the computerized docket system and, if so entered, would have appeared on EXHIBIT A.

7. EXHIBIT A further shows that, for the above-identified application, the docketing department entered the Action description "NOTICE OF ABANDONMENT" in the computerized docket system, with a "Taken Dt" of 07JL 2000 (July 7, 2000), meaning that the docketing department received a document so titled and dated from the USPTO for the above-identified application. In addition, EXHIBIT A shows that the docketing department entered the Action description "PETITION TO REVIVE DUE" with an "Act Due Date" of 29SE2000 for the above-identified application. As a result, an "Act Due Date" for "PETITION TO REVIVE DUE" would have been included in Mr. Maioli's Monthly Docket Sheet for September 2000 and in his applicable Weekly Docket Sheet. No "Taken Dt" is shown for "PETITION TO REVIVE DUE."

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



MICHELLE METRI

Date 3/30/07

2/8/2007



Patent Information Print

Docket No	52300	Application #	08/764394
Country	United States	Application Dt	11DE1996
Case Type	REGULAR CASE TYPE	Patent No	
Relation Type	CONTINUATION	Grant Dt	
Filing Type	NATIONAL CASE	Publication #	
Filing No		Publication Dt	
Attorney	JAY H. MAIOLI	Assigned	
Agent		Expiration Dt	
Client\Division	SONY CORP. PATENTS DIVISION	Conv Type	Continuing Prosecution Appln
Current Owner	7217	Tax Base Dt	
Prev Own		Next Tax Dt	
Status	Filed	Associate	
First Filing Dt		Oper Grp	
Sub Stat		Ag Ref No	
Sub Stat Dt		Verified	N
Parent Country		Customer	D4PP
Parent Filing Dt		Create Dt	11SE1998
Parent No		Update Dt	11JL2000
Parent Grant Dt		Update Tm	1652
Total Claims		Update User	WAD
Ind. Claims		Update Type	A

Actions

Action	CHECK DECL./REFUND(if needed	Comp Dt
Act Due Date	11FE1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	INFORMATION DISCLOSURE STATE	Comp Dt
Act Due Date	11MR1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	MISSING PARTS DUE	Comp Dt
Act Due Date	13AP1997	Resp Atty #1
Taken Dt	26MR1997	Resp Atty #2
DeadLn Dt		
Action	8mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	11AU1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	10mo FOREIGN FILING REMINDE	Comp Dt
Act Due Date	11OC1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	11mo FOREIGN FILING REMINDER	Comp Dt
Act Due Date	11NO1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	12mo FOREIGN FILING DEADLINE	Comp Dt
Act Due Date	11DE1997	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	3 MONTH RESPONSE DUE	Comp Dt
Act Due Date	03MY1998	Resp Atty #1
Taken Dt	22AP1998	Resp Atty #2
DeadLn Dt		
Action	3 MONTH RESPONSE DUE	Comp Dt
Act Due Date	19FE1999	Resp Atty #1
Taken Dt	14MY1999	Resp Atty #2
DeadLn Dt		
Action	6 MONTH RESPONSE DUE	Comp Dt
Act Due Date	19MY1999	Resp Atty #1
Taken Dt	14MY1999	Resp Atty #2
DeadLn Dt		
Action	3 MONTH RESPONSE DUE	Comp Dt
Act Due Date	27OC1999	Resp Atty #1
Taken Dt	04OC1999	Resp Atty #2
DeadLn Dt		
Action	PETITION TO REVIVE DUE	Comp Dt
Act Due Date	29SE2000	Resp Atty #1
Taken Dt		Resp Atty #2
DeadLn Dt		
Action	FILING RECEIPT RECEIVED	Comp Dt
Act Due Date		Resp Atty #1

Taken Dt 03JE1997 Resp Atty #2
DeadLn Dt

Action NOTICE OF ABANDONMENT Comp Dt
Act Due Date Resp Atty #1
Taken Dt 07JL2000 Resp Atty #2
DeadLn Dt

Action EXAMINER ISSUED ADV. ACTION Comp Dt
Act Due Date Resp Atty #1
Taken Dt 28AU1998 Resp Atty #2
DeadLn Dt

Inventors

Inv Name WATANABE, Hidekazu Assigned

Title

Title
(OLD#S96P1065US00) (NEW#S96P1065US00)



Dkt. 7217/52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hidekazu WATANABE et al.

Serial No. : 08/764,394

Group Art Unit 2731

Filed : December 11, 1996

Examiner S. Nguyen

For : TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SYSTEM

Attorney handling matter: Paul Shanoski

DECLARATION OF BARBARA FARNACCI

I, BARBARA FARNACCI, declare that:

1. I am, and from a time prior to 1992 have been, manager of the accounting department of the law firm of Cooper & Dunham LLP ("the firm") in New York City, having been employed in the firm's accounting department since January 1, 1988.

2. The firm's accounting department maintains computerized records of all items of fees (charges for professional services) and costs (charges for expenses and disbursements) that have been invoiced (billed) to each client for each matter (docket) handled by the firm from a time prior to January 1, 2000, until the present day. Information from these records can be recovered and displayed in various ways; one format for such information is an "Invoice Inquiry" which displays the billing history of a specified docket over a specified time period, and another is an accounts receivable summary ("A/R Summary") for a specified docket.

3. In or about April 2007, I initiated an "Invoice Inquiry" on the accounting department's computer for the above-identified U.S. patent application (designated 7217-05230001, i.e., client No.

7217 [Sony Corporation; hereinafter "Sony"] and docket No. 52300) for the period from January 1, 2000, to the present day. A copy of a printout of the resultant display is attached hereto as EXHIBIT A. The printout shows that fees of \$660.00 were billed to Sony on 9/15/2000 and paid by Sony on 12/07/2000; that costs of \$1,350.00 were billed to Sony on 03/07/2001 and paid by Sony on 05/01/2001; that the same costs were refunded on 09/16/2002 and credited to Sony on 10/04/2002; that fees of \$1,254.00 were billed to Sony on 1/10/2003 and paid by Sony on 01/31/2003; and that there was no other billing activity in or for this docket (52300) between January 1, 2000, and the April 2007 date of the printout.

4. Also in or about April 2007, I obtained and printed out an "A/R Summary" for the same docket and time period from the accounting department's computer. A copy of this "A/R Summary" printout (which, unlike EXHIBIT A, does not identify the docket or time period on its face) is attached hereto as EXHIBIT B. It shows a total of \$1,914.00 fees billed, a total of \$1,914.00 fees paid, \$0.00 in costs billed or paid, and a "Total Fee Mark Up" of (\$288.00), the latter figure meaning that an additional \$288.00 in professional service fees was entered into the accounting department's computer but was written off and thus never billed. The reason for the apparent discrepancy between EXHIBITS A and B in respect of costs is that, owing to the refund of all costs billed and paid for the period in question, there was no net billing of costs in that period. The \$1,914.00 figure for fees billed and paid in EXHIBIT B corresponds to the total of the two separate fee billings of \$660.00 (September 2000) and \$1,254.00 (January 2003) appearing in EXHIBIT A.

5. From a time prior to 2000 until the present day, the accounting department's computer has received frequent (usually

daily) electronic submissions of records of billable time from personnel of the firm (lawyers, law clerks and paralegals) whose time is billed out to clients. Each submission includes the submitter's name,¹ numbers identifying each client and matter (docket number) worked on, the nature of the work, time spent and/or dollar amount to be billed. The submitted data are used by the accounting department's computer for billing purposes, and are retained in the computer memory. Information from these retained data can be recovered and displayed, for example, by submitter and time period.

6. Attached as EXHIBIT C hereto is a photocopy of a single redacted page (the first page) of a multi-page printout from the accounting department's computer showing all time submitted by Pedro C. Fernandez (an attorney formerly employed as an associate by the firm) during August 2000. The multi-page printout was produced in the firm's accounting department on April 26, 2007, by me or under my direction. EXHIBIT C, a copy of the only relevant page, has only one entry for the above-identified application ("7217-0532000"); this entry, dated 08-01-00, reads "Prepare Petition to revive unavoidably abandoned application," with a time of 3.00 hours and an amount of \$660.00. No other page of the multi-page printout contains any entry for the above-identified application.

7. Attached as EXHIBIT D hereto are photocopies of several redacted pages of a multi-page printout from the accounting department's computer showing all time submitted by Rashmi S. Raj (an attorney formerly employed as an associate by the firm) between

¹The term "submitter" herein refers to the attorney or other employee whose billable time is being submitted, although the submission may be physically entered by a secretary under instructions from the submitter.

June 29, 2000, and the end of her period of employment by the firm. The multi-page printout was produced in the firm's accounting department on March 30, 2007, by me or under my direction. EXHIBIT D, a copy of the only relevant pages, have the following entries for the above-identified application ("7217-0532000"):

- (1) Page 18, dated December 4, 2000, but submitted 01-01-01, "Drafting petition to revive," 0.10 hour, \$16.00;
- (2) Page 18, dated December 11, 2000, but submitted 01-01-01, "Telephone conference with examiner," 0.10 hour, \$16.00;
- (3) Page 18, dated December 19, 2000, but submitted 01-01-01, "Drafting petition to revive," 0.10 hour, \$16.00;
- (4) Page 18, dated December 27, 2000, but submitted 01-01-01, "Drafting petition to revive," 0.10 hour, \$16.00;
- (5) Page 19, submitted 01-04-01, "Drafting petition to revive," 0.10 hour, \$16.00;
- (6) Page 20, submitted 01-11-01, "Drafting petition to revive," 0.50 hour, \$80.00;
- (7) Page 20, submitted 01-12-01, "Drafting petition to revive abandoned patent application," 0.50 hour, \$80.00;
- (8) Page 20, submitted 01-15-01, "Drafting petition to revive abandoned patent application," 0.10 hour, \$16.00;
- (9) Page 21, submitted 01-16-01, "Drafting petition to revive abandoned patent application drafting patent application," 0.20 hour, \$32.00.

The total dollar amount of services thus submitted by Ms. Raj was \$288.00. No other entries for the above-identified application are found on these or any other pages of the multi-page printout from which EXHIBIT D is excerpted.

8. Attached as EXHIBIT E hereto is a photocopy of a single redacted page (p. 2) of a multi-page printout from the accounting department's computer showing all time submitted by Spyros Loukakos

(an attorney formerly employed as an associate by the firm) during December 2002. The multi-page printout was produced in the firm's accounting department on April 26, 2007, by me or under my direction. EXHIBIT E, a copy of the only relevant page, has only one entry for the above-identified application ("7217-0532000"); this entry, dated 12-13-02, reads "Services in Connection with Issuing Patent; Petition to Revive," with a time of 6.60 hours and an amount of \$1254.00. No other page of the multi-page printout contains any entry for the above-identified application.

9. Attached as EXHIBIT F hereto are photocopies of two unsigned checks, with stubs attached, that appear to have been drawn on the firm's PTO account (for payments to the U.S. Commissioner of Patents and Trademarks), in amounts of \$110.00 and \$1,240.00, respectively. Both checks bear the date "1/17/2001," and both, on their stubs, identify (as "Invoice Description") the docket No. 7217-52300. In the upper right corner of both stubs, the initials "RSR" are written by hand. I am informed and believe that the originals of these two checks, still unsigned and with their stubs attached, were found in 2006 in the firm's file of the above-identified application by another firm to whom the file had been transferred under instructions from Sony, and that the EXHIBIT F copies were made directly or indirectly from those checks after they were found in 2006. Based on my knowledge of the forms and procedures of the firm's accounting department in and after January 2001, I believe that these two checks were drawn by the firm's accounting department on January 17, 2001, at the request of Rashmi S. Raj ("RSR") and were delivered to her; that they were entered as "costs" for the above-identified application (docket No. 52300) at the time they were drawn, and were subsequently billed as costs to Sony (see the item of "costs," equal to their combined total, in EXHIBIT A); that they were never used; and that after a certain

period of time, since they had not appeared on the firm's bank records as paid, they were entered back as a refund item on an invoice to Sony in accordance with standard firm practice. It was not the procedure of the accounting department at that time to bring such a refund entry specially to the attention of the partner (in this case, Jay H. Maioli) responsible for the client to whom the invoice was directed.

10. Certain employment-related records of the firm are maintained by the firm's accounting department; among these records is a card file, which I keep in my office, containing cards for all present and former employees of the firm, on which are recorded their dates of employment, last known addresses and telephone numbers (if any) and other information. These cards are initially prepared and inserted into the file on the subject's date of employment, and are updated manually to show changes in salary, termination date, etc. Attached hereto as EXHIBIT G are photocopies of original cards from this file (with personal and salary information redacted), for Pedro C. Fernandez, Rashmi S. Raj, Spyros Loukakos, Terron Breland and Wendell A. Dunn, all former employees of the firm, showing their starting dates and last days of employment, viz.:

Fernandez - started 5/15/95, last day 8/30/05;

Raj - started 5/26/98, last day 1/18/01;

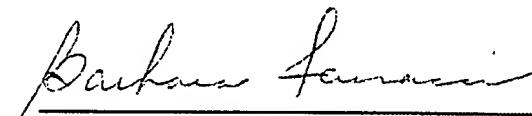
Loukakos - started 5/24/99, last day 8/29/03;

Breland - started 10/6/86, last day 11/18/04;

Dunn - started 4/19/99, last day 10/17/03.

Mr. Fernandez, Ms. Raj and Mr. Loukakos were employed as associates (attorneys) following initial employment as summer and/or part-time law clerks; Mr. Breland was the firm's mail room supervisor; and Mr. Dunn was the firm's docket supervisor.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



BARBARA FARNACCI

Date 5-3-07



Client Name: Billing Client In Process A/R Summary A/R Ledger A/R Tax A/R Deposit					
Date To: 01/01/2000					
Date	Desc.	Fee	Cost	Interest	Total
01/01/2000	#702432	\$850.00			\$850.00
12/01/2000	Print	(\$850.00)			
03/01/2001	#918948		\$1,350.00		\$1,350.00
05/01/2001	Print		(1,350.00)		
09/16/2002	#915491		\$1,350.00		\$1,350.00
10/04/2002	Print		(1,350.00)		
01/10/2003	#925014	\$1,224.00			\$1,224.00
01/31/2003	Print		(1,224.00)		
					\$0.00

Bank To: [redacted]					
Balance Due	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
C: Netherlands					
C: OpenLine					



[Client](#) | [Matter](#) | [Billing](#) | [Work-In-Process](#) | [A/R Summary](#) | [A/R Ledger](#) | [Aging](#) | [Task](#) | [Adv Dep/Trust](#)

Last Bill: 01/10/2003 \$1,254.00 Adv Deposit Balance \$0.00
Last Payment: 01/31/2003 \$1,254.00 Trust Balance \$0.00
Last A/R Write-Off: \$0.00 Total Discounts \$0.00
Last Reb: 02/01/2003

	Total	Fees	Costs	Interest
Current WIP	\$0.00	\$0.00	\$0.00	\$0.00
A/R Balance	\$0.00	\$0.00	\$0.00	\$0.00
Total Billed	\$1,914.00	\$1,914.00	\$0.00	\$0.00
Total Paid	\$1,914.00	\$1,914.00	\$0.00	\$0.00
Total A/R Write-Offs	\$0.00	\$0.00	\$0.00	\$0.00
Total WIP Cost Write-Offs			\$0.00	
Total Fee Mark Up		[\$288.00]		

Matter Level

Client Level

[Close](#)



12:52 PM Apr 26, 2007

Cooper & Dunham LLP

Unapplied/Applied Time Sheets

O P T E
JUN 21 2007
U.S. PATENT & TRADEMARK OFFICE

Page No. 1

Sort 1 - Type (U/A) : All

Sort 2 - Attorney I.D. : Select 138

Sort 3 - Working Date : Range from 08-01-00 to 08-31-00

Sort 4 - Time Sheet Item : All

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 138 - Fernandez, Pedro C.				
08-01-00				

7217-0523000 SONY CORPORATION - FOREIGN PATENT A

7217-52300

S96P1065US00 - SERIAL NO. 08/764,39

Prepare Petition to revive unavoidably
abandoned application.

Working Date Totals

12:52 PM Apr 26, 2007

Cooper & Dunham LLP

Unapplied/Applied Time Sheets (80)

Page No. 1

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 18

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 195 - Raj, Rashmi S.				



01-01-01				
7217-0523000	SONY CORPORATION - FOREIGN PATENT A			
7217-52300	S96P1065US00 - SERIAL NO. 08/764,39			
	Drafting petition to revive. (December 4, 2000)	0.10	16.00	
7217-0523000	SONY CORPORATION - FOREIGN PATENT A			
7217-52300	S96P1065US00 - SERIAL NO. 08/764,39			
	Telephone conference with examiner. (December 11, 2000)	0.10	16.00	
7217-0523000	SONY CORPORATION - FOREIGN PATENT A			
7217-52300	S96P1065US00 - SERIAL NO. 08/764,39			
	Drafting petition to revive. (December 19, 2000)	0.10	16.00	
7217-0523000	SONY CORPORATION - FOREIGN PATENT A			
7217-52300	S96P1065US00 - SERIAL NO. 08/764,39			
	Drafting petition to revive. (December 27, 2000)	0.10	16.00	

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 18

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 19

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 195 - Raj, Rashmi S.				
01-01-01				

01-04-01

7217-0523000 SONY CORPORATION - FOREIGN PATENT A			
7217-52300	S96P1065US00 - SERIAL NO. 08/764,39		
Drafting petition to revive.		0.10	16.00

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 19

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 20

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 195 - Raj, Rashmi S.				

01-11-01

7217-0523000 SONY CORPORATION - FOREIGN PATENT A
7217-52300 S96P1065US00 - SERIAL NO. 08/764,39
Drafting petition to revive. 0.50 80.00

01-12-01

7217-0523000 SONY CORPORATION - FOREIGN PATENT A
7217-52300 S96P1065US00 - SERIAL NO. 08/764,39
Drafting petition to revive abandoned 0.50 80.00
patent application.

01-15-01

7217-0523000 SONY CORPORATION - FOREIGN PATENT A
7217-52300 S96P1065US00 - SERIAL NO. 08/764,39
Drafting petition to revive abandoned 0.10 16.00
patent application.

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 20

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 21

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 195 - Raj, Rashmi S.				

01-16-01

7217-0523000 SONY CORPORATION - FOREIGN PATENT A

7217-52300 S96P1065US00 - SERIAL NO. 08/764,39

Drafting petition to revive abandoned 0.20 32.00
patent application drafting patent
application.

09:11 AM Mar 30, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 21

01:11 PM Apr 26, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 2

Matter I.D.	Description	Task	Hours	Amount
	Unapplied/Applied: A			
Attorney: 223 - Loukakos, Spyros				



12-13-02

7217-0523000 SONY CORPORATION - FOREIGN PATENT A
7217-52300 S96P1065US00 - SERIAL NO. 08/764,39
Services in Connection with Issuing 6.60 1254.00
Patent; Petition to Revive

01:11 PM Apr 26, 2007

Cooper & Dunham LLP
Unapplied/Applied Time Sheets (80)

Page No. 2

COOPER & DUNHAM LLP
Inv. Date 01-17-01 Inv. No. 1-47308
110.00

P 47308 R6
Am 47308 110.00



Invoice Description
7217-52300

1038 * * * * *
WEARLAW AMERIFORUS 1-800-445-1700
COOPER & DUNHAM LLP
PTO ACCOUNT
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036
01/17/2001 DATE
\$110.00 AMOUNT
P 47308
HSBC HSBC Bank USA
1-108210
\$110.00
One Hundred Ten and No/100 Dollars
PAY TO THE
COMMISSIONER OF PATENTS AND TRADEMARKS
OF *

SECURITY FEE PAID
SEARCH & EXAMINER
FEE PAID
ISSUE FEE PAID
TOTAL FEE PAID
110.00

COOPER & DUNHAM LLP

Inv.Date Inv.No. Invoice Description
01-17-01 1-47309 7217-52300

P A47309 R.
1,240.00

1038 *

L2214211 AMERIFORMS 1-800-446-1700

COOPER & DUNHAM LLP
PTO ACCOUNT
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

01/17/2001

\$1,240.00

PRINTED IN U.S.A.



P 47309

1-108210

DATE

AMOUNT

\$1,240.00

01/17/2001

DATE

AMOUNT

\$1,240.00

One Thousand Two Hundred Forty and No/100 Dollars.....

PAY
TO THE
ORDER
OF
* [REDACTED]

COMMISSIONER OF PATENTS AND TRADEMARKS
* [REDACTED]

108210
[REDACTED]



FERNANDEZ, PEDRO C.

Started - 5/15/95

Att'd - 3/1/95
Recd - 3/1/95
Fees - 3/1/95
1/1/95
1/2/95
1/2/95
1/2/95
1/2/95
1/2/95
1/2/95

3/1/95
3/1/95 -
1/1/95
1/1/95 -
1/1/95
1/1/95 -
1/1/95 OF Counsel
3/3/95 last day

RAJ, RASHMI S.

Started - 5/26/98

Completed 5/26/98

LOUKAKOS, SPYROS

Started: 5/24/99 -

3/29/03 last day

Yarrow Breland

Started 10/6/86

3/30/87

2/8/88

1/1/89

4-1-89

Report (4) 1-7-90

Received 8/5/91

4/1/91

4/1/92

4/1/93

4/1/94

4/1/95

4/1/96

4/1/97

DUNN, WENDELL A.

Wendell Dunn

Started: 4/19/99-

id#103 last day



COOPER & DUNHAM L.

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PEITON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY E. MILLER
ALBERT WAI-KIT CHAN
PAUL TENG
RICHARD F. JAWORSKI
VINCENT A. SIRECI
TODD W. EVANS
FRANK M. GASPARO
SPENCER H. SCHNEIDER
YUFENG LIU*

IVAN S. KAVRUKOV
PETER D. MURRAY
JAY H. MAIOLI
ROBERT B. G. HOROWITZ
DONALD S. DOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
ROBERT T. MALDONADO
ELIZABETH M. WIECKOWSKI
PEDRO C. FERNANDEZ
GARY J. GERSHICK
WILLIAM Y. LEE†
MICHAEL F. MORANO
RAYMOND A. DIPERNA*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
GERALD W. GRIFFIN
JOHN R. GARBER

SCIENTIFIC ADVISORS
JANE M. LOVE, PH. D.
ALAN D. MILLER, PH.D.

FOUNDED 1887
www.cooperdunham.com

December 14, 1999

* NEW YORK STATE BAR ADMISSION PENDING
† NOT ADMITTED IN NEW YORK

Mr. Kenichiro Nakata
General Manager
Intellectual Property Dept.
Sony Corporation
6-7-35 Kitashinagawa, Shinagawa-ku
Tokyo 141
Japan

Attention: Mr. Kyoji Sawada

Re: U.S. Patent Appln. No.: 08/764,394
Your Ref.: S96P1065US00
Our Ref.: 52300

Dear Mr. Nakata:

We have just conducted a telephonic interview with Examiner Nguyen who is examining the above-identified application. During this interview, we discussed the recent Amendment filed in this application as reported to you with our letter of October 4, 1999.

We are pleased to advise at the conclusion of the interview it was determined, upon making minor editorial changes to claims 4 and 6, that these two claims would be in condition for allowance.

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

Mr. Kenichi Nakata

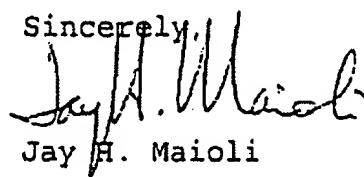
-2-

December 14, 1999

These changes will be made by way of Examiner's Amendment that will issue with the Notice of Allowance, and we look forward to sending that Notice to you shortly.

Best regards..

Sincerely,



Jay H. Maioli

JHM:dmcd
encl.



14:03 FAX 703 305 3988

US Patent Office TC 2730

4001

(Click here and type address)

facsimile transmission

To: Rai Rashmir Fax: 2123910630

From: Steven Nguyen Date: 12/14/00

Re: 08/764934 Pages: 3

CC:

Urgent For Review Please Comment Please Reply Please Recycle

Notes: This is an office action that you requested.

BEST AVAILABLE COPY



BEST AVAILABLE COPY

Notice of Allowability

Application No. 08/784,394	Applicant(s) Watanabe et al.
Examiner Steven Nguyen	Group Art Unit 2731

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to amendment E filed on 10/7/99
- The allowed claim(s) is/are 4 and 6 now renumbered 1-2 respectively
- The drawings filed on _____ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS
- because the originally filed drawings were declared by applicant to be informal.
- including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 5.
- Including changes required by the proposed drawing correction filed on Nov 16, 1998, which has been approved by the examiner.
- Including changes required by the attached Examiner's Amendment/Comment.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance



US PATENT OFFICE 16-2100

BEST AVAILABLE COPY

17117199
12/17/99
OS

Application/Control Number: 08/764394

Page 2

Art Unit: 2731

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Jay Maioli on 12/13/99.

2. The application has been amended as follows:

As claim 4, lines 7, after the recitation "input", inserting "first".

As claim 4, lines 14, after the recitation "input", inserting "second".

As claim 4, lines 25, deleting the recitation "first" and inserting "second" after the recitation "receive said".

As claim 6, lines 7, after the recitation "input", inserting "first".

As claim 6, lines 14, after the recitation "input", inserting "second".

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 4 and 6, the prior arts fail to suggest or teach a telephone apparatus which comprises a single modem telephone line for connecting to telephone network and connection control means wherein the connection control means for allowing the first and second

BEST AVAILABLE COPY

Page 3

Application/Control Number: 08/764394

Art Unit: 2731

telephone sets to transmit an audio data packet which includes addresses of the first and second telephone sets and first and second audio data within the structure of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Steven Nguyen
Art Unit 2731
December 13, 1999

Chi Pham
CHI PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700
12/16/00



52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hidekazu WATANABE et al.

Serial No.: 08/764,394

Filed : December 11, 1996

For : TELEPHONE APPARATUS USED FOR COMPUTER NETWORK
TELEPHONE SYSTEM

Group A.U.: 2731

Examiner: : S. Nguyen

I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as first class mail addressed to : Assistant
Commissioner for Patents, Box DAC, Washington, D.C. 20231

JAY H. MAIOLI
Reg. No. 27,213

Date

January 18, 2001
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

A Notice of Abandonment dated June 29, 2000 was received by the undersigned on July 7, 2000. The stated

52300

reason for the abandonment was applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

A FAX copy of the Notice of Allowance was obtained courtesy of Examiner S. Nguyen on December 14, 2000 and is enclosed as Exhibit A. The Issue Fee Transmittal Form is enclosed as Exhibit B.

The undersigned respectfully petitions for the revival of this application because the Notice of Allowance was not received and a search of the file and docket records indicate that the Notice of Allowance was not received. A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed is attached as Exhibit C.

Enclosed herewith also are:

- X A check for \$ 110 for the petition fee due under 37 C.F.R. §1.17(1); and
- X a check for \$ 1240 for the issue fee.

52300

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

Jay H. Maioli
Reg. No. 27,213
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036
Tel. (212) 278-0400

JHM/RSR
encl.



Dkt. 52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.

Serial No. : 08/764,394

Date Filed : December 11, 1996

For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM

Group Art Unit : 2731

Examiner : S. Nguyen

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

**DECLARATION OF JAY H. MAIOLI IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)**

I, Jay H. Maioli, hereby declare as follows:

1. I am, and was at all relevant times referred to below, registered to practice before the United States Patent and Trademark Office ("PTO"), and the attorney of record for the above-identified application.

2. A Notice of Abandonment dated June 29, 2000, a copy of which is attached as Exhibit 1, was received by our firm on July 7, 2000 in connection with the subject application.

Application of Hidekazu Watanabe et al.

Serial No. 08/764,394

Page 2

The June 29, 2000 Notice of Abandonment indicated that applicant failed to pay the issue fee within the response period of a Notice of Allowance that purportedly was issued by the PTO.

3. At my instruction, our Associate Rashmi Raj spoke with Examiner S. Nguyen by telephone on December 11, 2000 to explain to the Examiner that we did not receive the Notice of Allowance and to request a copy of the Notice of Allowance. After the telephone conference, we received from Examiner Nguyen by facsimile a courtesy copy of the Notice of Allowance.
4. I am filing a Petition on January 18, 2001 to revive the subject application. This Declaration is submitted to supplement the showing in support of this Petition.
5. It is my experience and belief that all mail addressed to me and received by our firm from the PTO is first processed, including stamping it with the date of receipt, by our docketing department on the day it is received by the firm or on the next business day, before it is relayed to me via our intra-firm mail system.
6. The procedure that I have followed routinely for more than 12 years, including at all relevant times referred to herein, for handling mail I receive through our intra-firm mail system from the PTO is described below.

Application of Hidekazu Watanabe et al.

Serial No. 08/764,394

Page 3

7. For each item of mail that I receive from the PTO, I routinely determine the following at the time I read the item: (a) the mailing date of, if indicated on, the item; (b) the date on which it was received by our firm as stamped on the item by our docketing department; (c) whether action, such as a response to be filed with the PTO, is required; and (d) if such response is required, the due date for the response.
8. At or about the time I determine the due date for a response to be filed with the PTO, I write the following information in my monthly planner in the square corresponding to the due date: (a) our docket number for the application in connection with which the response is due on that date; and (b) identification of the response that is due on that date.
9. I have looked through my 1999/2000 monthly planners and found no entries that indicate or suggest that I received the Notice of Allowance that was mailed by the PTO on December 17, 1999. Attached as Exhibit 2 hereto are copies of the pages from my 1999/2000 monthly planners which covers the period of December 17, 1999 to February 1, 2000.
10. Therefore, it is my belief that I did not receive the Notice of Allowance that was mailed by the PTO on December 17, 1999.

Application of Hidekazu Watanabe et al.

Serial No. 08/764,394

Page 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: _____

Jay H. Maioli
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JH

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/764,399	12/11/96	MATANGAIRE	11 723776-23600



JAY H MAIGUT
COOPER & DUNHAM
1405 AVENUE OF THE AMERICAS
NEW YORK NY 10006

7542.10629

JUL - 7 2000

DOCKET CLERK

EXAMINER

KELLY E. S.

ART UNIT

PAPER NUMBER

2750

18

DATE MAILED:

06/29/00

Petition to Revive: 9/29/00
W.D.

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- The proposed new formal drawings filed _____ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



Dkt. 52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.

Serial No. : 08/764,394

Date Filed : December 11, 1996

For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM

Group Art Unit : 2731

Examiner : S. Nguyen

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

**DECLARATION OF WENDELL DUNN IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)**

I, Wendel Dunn, hereby declare that:

1. I am currently, and have been since the start of my employment in April 1999 at the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham"), in charge of the docketing department at the firm.

2. Since the start of my employment at Cooper & Dunham, each person employed in our docketing department has been trained to follow, and to my knowledge follows, our

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 2

procedures for processing mail received from the United States Patent and Trademark Office ("PTO"), as described below. Based on information and belief, these same procedures have been in place and followed by our docketing department since many years prior to December 1999.

3. On information and belief, it has been the procedure of the docketing department at Cooper & Dunham since many years before December 1999 to obtain all mail received from the PTO directly from the Cooper & Dunham mailroom as soon as it is received from the Post Office. Such mail is processed by our docketing department in the manner described below on the same day or, if the mail is received late, on the next business day.
4. For each item of mail received from the PTO, our docketing department processes the item as follows: (a) stamp the date of receipt of the item on the first page of the item; (b) identify the attorney responsible for handling prosecution of the application, and, if the attorney is not the addressee of the item of mail, write the initials of the attorney who is responsible at the top-right corner on the first page of the item; (c) make a photocopy of the first page, and in a few instances additional selected pages, of the item and place the photocopy in the file system of our docketing department for storing such photocopy pages, which is organized with separate folders for each attorney and chronologically within each file; (d) determine the type of action of the item received and enter the action type in our computer docketing system; (e)

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 3

determine the due date of any action that must be taken, such as payment of issue fee in response to a Notice of Allowance, and if any such actions are required, enter in our computer docketing system the due dates for the corresponding actions; and (f) place the item directly in the in-tray of the appropriately indicated attorney.

5. Attached hereto as Exhibit 1 is a copy of a computer printout of our docketing record on December 17, 1999, from our computer docketing system, corresponding to the above-identified patent application.
6. As shown in Exhibit 1, a number of actions were docketed in connection with the subject application, including (a) an Amendment filed October 4, 1999 in response to the Office Action dated July 27, 1999, and (b) a Notice of Abandonment dated June 29, 2000 received from the PTO.
7. As shown in Exhibit 1, there is, however, no actions docketed in our system that were due between December 17, 1999 and February 1, 2000 in connection with the subject application.
8. Under my instructions and supervision, our docketing department file system (described in Paragraph 4 herein), including folders therein for all the attorneys of the firm, was searched for a Notice of Allowance dated December 17, 1999 that was mailed from the PTO in connection with the subject application.

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 4

9. The collection of photocopy pages of mail received for Jay H. Maioli from the PTO during the period of December 17, 1999 through February 1, 2000 that are in our docketing department file system totals to approximately one stack of pages. The December 17, 2000 Notice of Allowance was not found in that approximately one stack of pages.
10. Enclosed herewith is a complete copy of the collection of photocopy pages, as referred to in Paragraph 9 of this Declaration, in our docketing department file system corresponding to mail received by Cooper & Dunham from the Patent and Trademark Office during the period of December 17, 1999 to February 1, 2000.
11. Based on the above, it is my belief that Cooper & Dunham did not receive a Notice of Allowance dated December 17, 1999 that was mailed from the PTO in connection with the subject application.

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Wendell Dunn

/16/2001



Patent Information Print

Page: 1

Socket No 5238 TRADEMARK OFFICE
Country United States
Case Type REGULAR CASE TYPE
Relation Typ CONTINUATION
Filing Type NATIONAL CASE
Filing No
Reg Ref No

Status Filed
Sub Stat
Parent Count
Parent No
Total Claims

Application 08/764394
Patent No
Publication
Assigned
Conv Type Continuing Prosecution Ap

Customer D4PP

Attorney JAY H. MAIOLI
Agent
Client\Divis SONY CORP. PATENTS DIVISI
Current Owne 7217
Prev Own
Associate
Oper Grp

First Filing
Sub Stat Dt
Parent Filin
Parent Grant
Ind. Claims

Application 11DE1996
Grant Dt
Publication
Expiration D
Tax Base Dt
Next Tax Dt

Verified N

Create Dt 11SE1998
Update Dt 11JL2000
Update User WAD
Update Tm 4:52 PM

** Actions **

Action DECLARATION DUE
Act Due Date 11FE1997*
Taken Dt
Resp Atty #1

Action INFORMATION DISCLOSURE ST
Act Due Date 11MR1997*
Taken Dt
Resp Atty #1

Action MISSING PARTS DUE
Act Due Date 13AP1997
Taken Dt 26MR1997
Resp Atty #1

Action 8mo FOREIGN FILING REMIND
Act Due Date 11AU1997*
Taken Dt
Resp Atty #1

Action 10mo FOREIGN FILING REMI
Act Due Date 11OC1997*
Taken Dt
Resp Atty #1

DeadLn Dt
Comp Dt
Resp Atty #2

DeadLn Dt
Comp Dt
Resp Atty #2

DeadLn Dt
Comp Dt
Resp Atty #2

DeadLn Dt
Comp Dt
Resp Atty #2

Action 11mo FOREIGN FILING REMIN
Act Due Date 11NO1997*
Taken Dt
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action 12mo FOREIGN FILING DEADL
Act Due Date 11DE1997*
Taken Dt
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 03MY1998
Taken Dt 22AP1998
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 19FE1999
Taken Dt 14MY1999
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action 6 MONTH RESPONSE DUE
Act Due Date 19MY1999
Taken Dt 14MY1999
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 27OC1999
Taken Dt 04OC1999
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action PETITION TO REVIVE DUE
Act Due Date 29SE2000
Taken Dt
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action FILING RECEIPT RECEIVED
Act Due Date
Taken Dt 03JE1997
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action NOTICE OF ABANDONMENT
Act Due Date
Taken Dt 07JL2000
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

Action EXAMINER ISSUED ADV. ACTI
Act Due Date
Taken Dt 28AU1998
Resp Atty #1 DeadLn Dt
Comp Dt
Resp Atty #2

** Inventors **

Assigned

Inv Name WATANABE, Hidekazu

1/16/2001

Patent Information Print

Page: 3

** Title **

Title (OLD#S96P1065US00) (NEW#S96P1065US00)



Dkt. 52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.

Serial No. : 08/764,394

Date Filed : December 11, 1996

For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM

Group Art Unit : 2731

Examiner : S. Nguyen

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

DECLARATION OF TERRON BRELAND IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)

I, Terron Breland, hereby declare that:

1. I am currently and have been continuously since 1994 in charge of the mailroom at Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham").

2. Each person employed in the mailroom at Cooper & Dunham during the period of time that I have been in charge of our mailroom has been instructed to hold all mail received from

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 2

the United States Patent and Trademark Office for pick-up
by the Cooper & Dunham docketing department.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Terron Breland

BEST AVAILABLE COPY**PART B—ISSUE FEE TRANSMITTAL**

Complete and mail this form, together with applicable fees, to: **Box ISSUE FEE**
Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 21 2007

PATENT AND TRADEMARK OFFICE

FILING INSTRUCTIONS: This form may be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

JAY H MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/764,394	12/11/96	02	Nguyen, S. 2731	12/17/99
First Named Applicant	WATANABE, H.			
NAME OF ENTIT时	TELEPHONE APPARATUS USED FOR COMPUTER NETWORK TELEPHONE SYSTEM			

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
7217/52300			Utility	No	\$1,240.00	3 /17/00
Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.					

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE SONY CORPORATION

(B) RESIDENCE: (CITY & STATE OR COUNTRY) TOKYO, JAPAN

Please check the appropriate assignee category indicated below (will not be printed on the patent)

 individual corporation or other private group entity government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

 Issue Fee Advance Order - # of Copies _____

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 03-3125

(ENCLOSE AN EXTRA COPY OF THIS FORM)

 Issue Fee Advance Order - # of Copies _____

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Service Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Applicant Hidekazu Watanabe et. al. 08/764,394
Client 7217 File No. 52300 Atty. JHM/RSR
Date January 18, 2001

Kindly acknowledge receipt of the accompanying

In connection with serial No. 08/764,394

- 1) Petition for Revival of an application for patent abandoned unavoidably (Exhibits A, B and C)
- 2) Declaration of Jay H. Maioli (Exhibits 1 and 2)
- 3) Declaration of Wendell Dunn (Exhibit 1, and Photocopies of pages of mail received from the Patent Trademark Office dating Dec 17, 1999-Feb 1, 2000)
- 4) Declaration of Terron Breland
- 5) Check for \$ 110.00 petition fee
- 6) Check for \$1,240.00 issue fee
- 7) Certificate of mailing dated January 18, 2001

by placing your receiving date stamp hereon and returning to us.



COOPER & DUNHAM LLP
ATTORNEYS AT LAW
1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PELTON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY E. MILLER
ROBERT T. Maldonado
PAUL TENG
PEDRO C. FERNANDEZ
JANE M. LOVE
MICHAEL F. MORANO
RAYMOND A. DIPERNA
FRANK A. BRUNO
MEGHAN M. MAKARY*
CHRISTOPHER M. RIES

IVAN S. KAVRUKOV
PETER O. MURRAY
JAY H. HAIDL
ROBERT B. G. HOROWITZ
DONALD S. DOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
RICHARD F. JAWORSKI
ELIZABETH M. WIECKOWSKI
GARY J. GERSHICK
TODD W. EVANS
SPENCER H. SCHNEIDER
ALAN D. MILLER*
PATRICK T. SKACEL*
CHRISTINE S. NICKLES**

* NEW YORK STATE BAR ADMISSION PENDING
** ADMITTED IN MASSACHUSETTS ONLY

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

FACSIMILE: (212) 391-0525

(212) 391-0526

(212) 391-0630

OF COUNSEL
GERALD W. GRIFFIN
JOHN R. GARBER
ERIC D. KIRSCH

PATENT AGENT
JENNIFER H. BURDMAN

FOUNDED 1887
www.cooperdunham.com

January 18, 2001

VIA TELEFAX

Mr. Kenichiro Nakata
General Manager
Intellectual Property Dept.
Sony Corporation
6-7-35 Kitashinagawa, Shinagawa-ku
Tokyo 141
Japan

Attention : Mr. Kyoji Sawada

Re : U.S. Patent Appln, No.:08/764,394
Your Reference No.: S96P1065US00
Our Ref.: 52300

Dear Mr. Nakata:

We received a Notice of Abandonment for failure to pay the issue fee in the above-identified application. The issue fee was not paid because the Notice of Allowance was apparently lost in the mail and never received by us.

Therefore we have prepared a Petition for revival under 37 CFR 1.137(a). The Office of Petitions requests that the applicant submit additional information that the Notice of Allowance allegedly mailed by the Patent Office was not received by the applicant. We are submitting declarations in support of our belief that we never received the Notice of Allowance purportedly mailed by the Patent Office, based on our computerized and hardcopy docketing records. Since the hardcopy records comprise a photocopy of the first page of each communication received by our firm from the Patent Office during the relevant time period, amounting to almost a box of photocopies, we initially did not submit a copy of the hardcopy

U.S. Patent Appln, No.: 08/764,394

Page 2

docketing records.

We have confidence that this Petition accompanied with the supplemental information will be granted.

As soon as we have anything further to report regarding this application, we shall promptly notify you.

Best regards.

Sincerely,

Jay. H. Maioli

JHM/RSR
encl.



52300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hidekazu WATANABE et al.
Serial No.: 08/764,394
Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER NETWORK
TELEPHONE SYSTEM
Group A.U.: 2731
Examiner : S. Nguyen

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Jay H. Maioli
Reg. No. 27,213

December 13, 2001
Date

December 13, 2002
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

A Notice of Abandonment dated June 29, 2000 was received by the undersigned on July 7, 2000. The stated reason for the abandonment was applicant's failure to timely pay the required issue fee within the statutory period of

three months from the mailing date of the Notice of Allowance.

A FAX copy of the Notice of Allowance was obtained courtesy of Examiner S. Nguyen on December 14, 2000 and is enclosed as Exhibit A. The Issue Fee Transmittal Form is enclosed as Exhibit B.

The Undersigned respectfully petitions for the revival of this application because the Notice of Allowance was not received and a search of the file and docket records indicate that the Notice of Allowance was not received. A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed is attached as Exhibit C.

Enclosed herewith also are:

X A check for \$110 for the petition fee due under
 37 C.F.R. §1.17(1); and

X A check for \$1240 for the issue fee.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

Jay H. Maioli
Reg. No. 27,213
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036
Tel. (212) 278-0400

JHM/SL:cr
encl.



Docket No.: SONYJP 3.0-1204
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Watanabe et al.

Application No.: 08/764,394

Group Art Unit: 2731

Filed: December 11, 1996

For: TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE
SYSTEM

MS: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Paul Shanoski

DECLARATION OF FUMIHIKO MORIYA

Dear Sir:

I, Fumihiro Moriya, declare as follows:

1. I am employed as Senior General Manager, Intellectual Property Division of Sony Corporation, 1-7-1 Konan, Minato-ku, Tokyo, 108-0075, Japan, and have held that position since April 1, 2006. Sony Corporation ("Sony") is the assignee of the above-captioned U.S. patent application.

2. One of the law firms used by Sony to prosecute patent applications in the United States is the firm of Cooper & Dunham, LLP in New York, New York. Cooper & Dunham was responsible for filing and prosecuting the above-captioned patent application on behalf of Sony. Sony's primary contact for patent prosecution matters at Cooper & Dunham was Jay Maioli.

3. At some time after December 14, 1999, Sony received a letter from Jay Maioli reporting on the results of a telephone interview he had conducted with the Examiner examining this patent application. A copy of Mr. Maioli's letter is attached hereto as Exhibit 1. According to Mr. Maioli's letter, the Examiner agreed to allow this application upon the entry of some small amendments to the claims. Mr. Maioli's letter further indicated that these amendments would be made by way of an Examiner's Amendment, and that he would be reporting issuance of a Notice of Allowance to us "shortly." That was the last correspondence we received from Mr. Maioli or anyone else at the Cooper & Dunham firm with respect to this patent application.

4. It has been Sony's longstanding practice that, when it receives correspondence from Mr. Maioli in which no specific instructions from Sony are required, Sony would not send a reply to Mr. Maioli, and Mr. Maioli would see to satisfying all outstanding requirements, including payment of the issue fee and any other formalities, in order to obtain issuance of the patent. Sony presumed that this longstanding practice would be and was followed with this patent application.

5. According to the records of the Patent and Trademark Office, the Notice of Allowance for this application issued on December 17, 1999. At the time the Notice of Allowance issued, Sony had approximately 40,000 patent applications pending throughout the world, including approximately 20,000 patent applications pending in Japan and about 5,000 patent applications pending in the United States. Due to this large volume of patent applications, it is simply impossible for Sony to accurately monitor the status of each application, due dates for taking action in any national patent offices, and any outstanding requirements. For that reason, Sony relies upon its local agents in each country to inform Sony of any outstanding requirement and the due date therefor.

6. In December 2005, Yoshihide Nakamura, my predecessor as Senior General Manager, Intellectual Property Division of Sony, wrote to Mr. Maioli and requested that he transfer a large number of patent prosecution files he was handling for Sony to the law firm of Lerner, David, Littenberg, Krumholz and Mentlik, LLP ("Lerner David"). In total, it was requested that Mr. Maioli transfer the files for over 800 patent applications to the Lerner David firm.

7. As part of their review of these transferred files, Robert B. Cohen of Lerner David sent a letter dated March 7, 2006 to Mr. Nakamura informing him that the above-captioned patent application had apparently been abandoned as a result of the failure of Cooper & Dunham to pay the issue fee by the due date. A copy of Mr. Cohen's letter is attached hereto as Exhibit 2.

8. Sony conducted an internal review of its files and determined that it was never the intention of Sony to abandon this application. In order to determine whether it would be worth the cost to file a Petition to Revive in connection with this application, Mr. Nakamura wrote a letter dated March 12, 2006 to Mr. Cohen requesting a copy of the claims that had been allowed. A copy of that letter is attached hereto as Exhibit 3.

9. After reviewing the allowed claims, Sony determined that the allowed claims were of value to Sony. Accordingly, on May 8, 2006, I wrote a letter to Mr. Cohen requesting that he file a Petition to Revive this application. A copy of that letter is attached hereto as Exhibit 4.

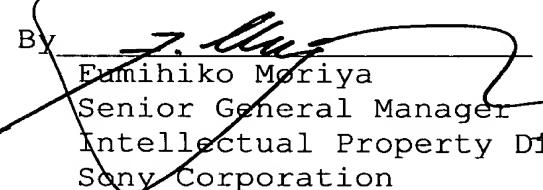
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United

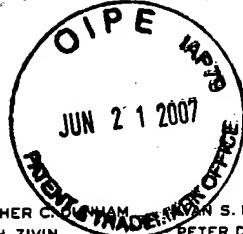
States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: May 23, 2007

Respectfully submitted,

By


Fumihiro Moriya
Senior General Manager
Intellectual Property Division
Sony Corporation



COOPER & DUNHAM L.

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

CHRISTOPHER C. COOPER* AN S. KAVRUKOV
NORMAN H. ZIVIN PETER D. MURRAY
JOHN P. WHITE JAY H. MAIOLI
WILLIAM E. PELTON ROBERT B. G. HOROWITZ
ROBERT D. KATZ DONALD S. DOWDEN
PETER J. PHILLIPS DONNA A. TOBIN
WENDY E. MILLER RICHARD S. MILNER
ALBERT WAI-KIT CHAN ROBERT T. MALDONADO
PAUL TENG ELIZABETH M. WIECKOWSKI
RICHARD F. JAWORSKI PEDRO C. FERNANDEZ
VINCENT A. SIRECI GARY J. GERSHIK
TODD W. EVANS WILLIAM Y. LEE†
FRANK M. GASPARO MICHAEL F. MORANO
SPENCER H. SCHNEIDER RAYMOND A. DIPERNA*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
GERALD W. GRIFFIN
JOHN R. GARBER

SCIENTIFIC ADVISORS
JANE M. LOVE, PH. D.
ALAN D. MILLER, PH.D.

FOUNDED 1887
www.cooperdunham.com

December 14, 1999

* NEW YORK STATE BAR ADMISSION PENDING
† NOT ADMITTED IN NEW YORK

Mr. Kenichiro Nakata
General Manager
Intellectual Property Dept.
Sony Corporation
6-7-35 Kitashinagawa, Shinagawa-ku
Tokyo 141
Japan

Attention: Mr. Kyoji Sawada

Re: U.S. Patent Appln. No.: 08/764,394
Your Ref.: S96P1065US00
Our Ref.: 52300

Dear Mr. Nakata:

We have just conducted a telephonic interview with Examiner Nguyen who is examining the above-identified application. During this interview, we discussed the recent Amendment filed in this application as reported to you with our letter of October 4, 1999.

We are pleased to advise at the conclusion of the interview it was determined, upon making minor editorial changes to claims 4 and 6, that these two claims would be in condition for allowance.

Mr. Kenichi Nakata

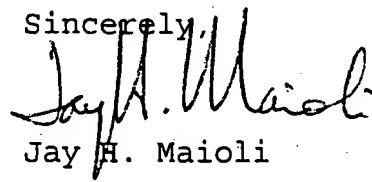
-2-

December 14, 1999

These changes will be made by way of Examiner's Amendment that will issue with the Notice of Allowance, and we look forward to sending that Notice to you shortly.

Best regards.

Sincerely,



Jay H. Maioli

JHM:dmcd
encl.

LERNER
DAVID
LITTENBERG
KRUMHOLZ
&
MENTLIK
LLP



600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090
908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

Robert B. Cohen
908.518.6316
rcohen@ldkm.com

March 7, 2006

**VIA FACSIMILE TRANSMISSION (011-81-3-5435-3043)
CONFIRMATION BY AIRMAIL**

Mr. Yoshihide Nakamura
Senior General Mgr., Intellectual Property Div.
Sony Corporation
Osaki East Technology Center
Gate City Osaki 1-11-1 Osaki
Shinagawa-ku, Tokyo 141-0032
JAPAN

Re: SONYJP 3.0-1204
U.S. Patent Application No. 08/764,394
TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE SET
Sony Ref. No. S96P1065US00

Dear Mr. Nakamura:

We recently received the above-captioned file as a transfer from Cooper & Dunham.

Upon reviewing the file, we discovered that a Notice of Allowance issued on December 17, 1999, but apparently was not initially received by the Cooper & Dunham firm. Accordingly, the issue fee was not paid, and a Notice of Abandonment was issued on June 29, 2000.

Upon receipt of the Notice of Abandonment, the Cooper & Dunham firm was apparently prepared to file a Petition to Revive this application as reported in Jay Maioli's letter to Mr. Nakata of January 18, 2001. However, it appears that the petition was never filed. That is, all the requisite papers were prepared and are in the file, but were never signed. Moreover, there are two (2) bank checks in the file, one for the petition fee and another for the issue fee, but these checks were never sent to the Patent Office.



Mr. Yoshihide Nakamura
March 7, 2006
Page 2

We are prepared to file a Petition to Revive this application based on unintentional delay. The fee for the petition is \$1,500.00 and since the Notice of Abandonment issued almost six (6) years ago, it is questionable whether such a petition will be granted. Therefore, before proceeding, we seek your authorization to file the petition with the Patent Office.

We look forward to receiving your instructions. Should you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMLHOLZ & MENTLIK, LLP

A handwritten signature in black ink, appearing to read "Robert B. Cohen".

ROBERT B. COHEN

RBC/amf:emb

SONY

Intellectual Property Department, SONY Corporation
Gate City Osaki 1-11-1 Osaki, Shinagawa-ku, Tokyo, 141-0032 Japan

Telephone: +81-3-5435-3910
Fax: +81-3-5435-3043

FBC

March 12, 2006

Mr.J.S.Littenberg
LERNER,DAVID,LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090-1497
U.S.A.

Re: Patent Application in U.S.A. No.764394

Your Ref.: 3.0-1204

Sony File: S96P1065US00

Dear Mr.J.S.Littenberg

In connection with the above identified case, we acknowledge receipt of and thank you for your letter of March 7, 2006.

We understand the situation.

Before we ask you to file the petition, we would like to examine whether this application is really worth the cost for reviving based on the claims allowed to be patented.
However, we do not know what the ultimate claims are because we have no document of them in our file wrapper.

Will you please send us set of ultimate claims for our review as soon as possible?

If you have any comments or questions, please inform us before filing the response.

We appreciate your cooperation in this matter.

Very truly yours,

Takao Motohashi for

Yoshihide Nakamura
Senior General Manager
Intellectual Property Division

YN:T.I.:TM

SONY



RBC

Intellectual Property Department, Sony Corporation
Gate City Osaki 1-11-1 Osaki, Shinagawa-ku, Tokyo, 141-0032 Japan

Telephone: +81-3-5435-3910
Fax: +81-3-5435-3043

May 8, 2006

Mr.J.S.Littenberg
LERNER,DAVID,LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090-1497
U.S.A.

CONFIRMATION

Re: Patent Application in U.S.A.
Your Ref.: 3.0-1204
Sony File: S96P1065US00

Dear Mr.J.S.Littenberg

Thank you for your letter of March 22, 2006, enclosing the finally allowed claims of above identified case.

We apologize for not replying soon.

After we review them, we decided to file a Petition to Revive this application.
As you pointed out, we think it difficult to get allowed such a petition.
However, it is worth trying.

Will you please prepare filing a Petition to Revive this application based on unintentional delay as soon as possible?

We appreciate your cooperation in this matter.

Very truly yours,

Takao Motohashi
Fumihiko Moriya
Senior General Manager
Intellectual Property Division

FM:TM: